

**ENVIRONMENTAL SECURITY: UNITED NATIONS DOCTRINE
FOR MANAGING ENVIRONMENTAL ISSUES IN MILITARY ACTIONS**

VOLUME II

SELECTED INTERNATIONAL TREATIES, CONVENTIONS AND
PROTOCOLS THAT ADDRESS ENVIRONMENT-RELATED ISSUES

SELECTED INTERNATIONAL ORGANIZATIONS RELEVANT TO
ENVIRONMENTAL SECURITY

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AEPI IFP 0700A

| Report Documentation Page | | | | Form Approved OMB No. 0704-0188 | |
|--|------------------------------------|-------------------------------------|--|---|------------------------------------|
| Public reporting burden for the collection of information is estimated to average 1 hour per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, to Washington Headquarters Services, Directorate for Information Operations and Reports, 1215 Jefferson Davis Highway, Suite 1204, Arlington VA 22202-4302. Respondents should be aware that notwithstanding any other provision of law, no person shall be subject to a penalty for failing to comply with a collection of information if it does not display a currently valid OMB control number. | | | | | |
| 1. REPORT DATE JUL 2000 | | 2. REPORT TYPE | | 3. DATES COVERED 00-00-2000 to 00-00-2000 | |
| 4. TITLE AND SUBTITLE Environmental Security: United Nations Doctrine for Managing Environmental Issues in Military Actions. Volume II Selected International Treaties, Conventions and Protocols that Address Environment-Related Issues. Selected International Organizations Relevant to Environmental Security | | | | 5a. CONTRACT NUMBER | |
| | | | | 5b. GRANT NUMBER | |
| | | | | 5c. PROGRAM ELEMENT NUMBER | |
| 6. AUTHOR(S) | | | | 5d. PROJECT NUMBER | |
| | | | | 5e. TASK NUMBER | |
| | | | | 5f. WORK UNIT NUMBER | |
| 7. PERFORMING ORGANIZATION NAME(S) AND ADDRESS(ES) U.S. Army Environmental Policy Institute ,101 Marietta St., N.W., Suite 3120,Atlanta,GA,30303-2720 | | | | 8. PERFORMING ORGANIZATION REPORT NUMBER | |
| 9. SPONSORING/MONITORING AGENCY NAME(S) AND ADDRESS(ES) | | | | 10. SPONSOR/MONITOR'S ACRONYM(S) | |
| | | | | 11. SPONSOR/MONITOR'S REPORT NUMBER(S) | |
| 12. DISTRIBUTION/AVAILABILITY STATEMENT Approved for public release; distribution unlimited | | | | | |
| 13. SUPPLEMENTARY NOTES | | | | | |
| 14. ABSTRACT A three-year international assessment of global changes conducted by the Millennium Project¹ identified fifteen global challenges facing the world, reaching into most facets of change, from prospective water shortages to moral and ethical issues. Of the fifteen challenges, six are environmentally related. Environmental threats may well outweigh military threats in the future. This report is an investigation into the roles that might be required of the United Nations and related international organizations, and the environmental standards to which they should abide, as well as the conventions and protocols that might be involved in the resolution of future threats to environmental security. Particular emphasis is placed on exploring current and potential UN doctrine for managing environmental issues in UN peacekeeping operations. | | | | | |
| 15. SUBJECT TERMS | | | | | |
| 16. SECURITY CLASSIFICATION OF: | | | 17. LIMITATION OF ABSTRACT Same as Report (SAR) | 18. NUMBER OF PAGES 66 | 19a. NAME OF RESPONSIBLE PERSON |
| a. REPORT unclassified | b. ABSTRACT unclassified | c. THIS PAGE unclassified | | | |

JULY 2000

The views expressed in this report are those of the authors and do not necessarily reflect the official policy or position of the Department of the Army, Department of Defense, or the U.S. Government.

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ABSTRACT

A three-year international assessment of global changes conducted by the Millennium Project¹ identified fifteen global challenges facing the world, reaching into most facets of change, from prospective water shortages to moral and ethical issues. Of the fifteen challenges, six are environmentally related. Environmental threats may well outweigh military threats in the future. This report is an investigation into the roles that might be required of the United Nations and related international organizations, and the environmental standards to which they should abide, as well as the conventions and protocols that might be involved in the resolution of future threats to environmental security. Particular emphasis is placed on exploring current and potential UN doctrine for managing environmental issues in UN peacekeeping operations.

ACKNOWLEDGMENTS

Special thanks go to Tammami Onaka who did the bulk of the research.

Other contributors included Elizabeth Florescu, Azusa Kubota, and Joanie Newman.

¹ Jerome C. Glenn and Theodore J. Gordon. 1999. *1999 State of the Future: Challenges We Face at the Millennium*, Washington, DC: American Council for the United Nations University.

TABLE OF CONTENTS

| | |
|--|----|
| INTRODUCTION TO VOLUME II | 1 |
| SAMPLE OF ENVIRONMENTAL SECURITY THREATS | 2 |
| TREATIES, CONVENTIONS, AND PROTOCOLS THAT ADDRESS ENVIRONMENT-RELATED ISSUES | 3 |
| <i>Protocol Additional to the Geneva Conventions of 12 August 1949, and Relating to the Protection of Victims of International Armed Conflicts (Protocol I) (1977)</i> | 4 |
| <i>Convention on the Prohibition of Military or Any Other Hostile Use of Environmental Modification Techniques (1976)</i> | 5 |
| <i>Convention on the Prohibition of the Development, Production and Stockpiling of Bacteriological (Biological) and Toxin Weapons, and on Their Destruction (1972)</i> | 5 |
| <i>Convention on the Prohibition of Development, Production, Stockpiling and Use of Chemical Weapons and on Their Destruction (1993)</i> | 6 |
| <i>Convention on Assistance in the Case of a Nuclear Accident or Radiological Emergency (1986)</i> | 10 |
| <i>Convention on Early Notification of a Nuclear Accident (1986)</i> | 11 |
| <i>Convention on Nuclear Safety (1994)</i> | 12 |
| <i>Treaty Banning Nuclear Weapon Tests in the Atmosphere, in Outer Space and Under Water (1963)</i> | 12 |
| <i>Comprehensive Nuclear-Test-Ban Treaty (1996)</i> | 13 |
| <i>Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and Their Disposal (1989)</i> | 15 |
| <i>Convention for the Protection of the World Cultural and Natural Heritage (1972)</i> | 15 |
| <i>Convention on Biological Diversity (1992)</i> | 17 |
| <i>Convention on International Trade in Endangered Species of Wild Fauna and Flora (1973)</i> | 18 |
| <i>Convention on Protection and Use of Transboundary Watercourses and International Lakes</i> | 18 |
| <i>United Nations Convention on the Law of the Sea (1982)</i> | 20 |
| <i>Convention on the High Seas (1958)</i> | 27 |
| <i>Convention on Fishing and Conservation of the Living Resources of the High Seas (1958)</i> | 28 |
| <i>Convention on Long-Range Transboundary Air Pollution (1979)</i> | 28 |
| <i>Convention on Wetlands of International Importance Especially as Waterfowl Habitat (1971)</i> | 29 |
| <i>International Convention for the Prevention of Pollution of the Sea by Oil (1954 as Amended in 1962 and 1969)</i> | 29 |
| <i>International Convention to Combat Desertification in Countries Experiencing Serious Drought and/or Desertification, Particularly in Africa (1994)</i> | 31 |
| <i>International Tropical Timber Agreement (1983)</i> | 32 |
| <i>International Tropical Timber Agreement (1994)</i> | 32 |
| <i>Protocol of 1978 Relating to the International Convention for Prevention of Pollution from Ships</i> | 33 |
| <i>Protocol to the 1979 Convention on Long-Range Transboundary Air Pollution Concerning the Control of Emissions of Nitrogen Oxides or Their Transboundary Fluxes (1988)</i> | 34 |
| <i>The Antarctic Treaty (1959)</i> | 34 |
| <i>Convention on Civil Liability for Damage Resulting from Activities Dangerous to the Environment (1993)</i> | 35 |
| <i>International Convention on Oil Pollution Preparedness, Response and Co-operation (1990)</i> | 36 |
| <i>Convention on the Transboundary Effects of Industrial Accidents (1992)</i> | 37 |
| <i>Convention for the Prevention of Marine Pollution from Land-Based Sources (1974)</i> | 39 |
| <i>Vienna Convention for the Protection of the Ozone Layer (1985)</i> | 40 |
| <i>The Montreal Protocol on Substances That Deplete the Ozone Layer (1987)</i> | 41 |
| <i>United Nations Framework Convention on Climate Change (1992)</i> | 43 |
| <i>Kyoto Protocol to the United Nations Framework Connection on Climate Change (1998)</i> | 45 |

| | |
|---|----|
| SELECTED INTERNATIONAL ORGANIZATIONS RELEVANT TO ENVIRONMENTAL SECURITY | 46 |
| United Nations Charter (*emphasis on the Security Council)..... | 46 |
| United Nations Development Program (UNDP) | 47 |
| United Nations Environment Program (UNEP) | 48 |
| United Nations Educational, Scientific and Cultural Organization (UNESCO) | 50 |
| United Nations Population Fund (UNFPA)..... | 50 |
| United Nations High Commissioner for Refugees (UNHCR)..... | 50 |
| World Bank..... | 50 |
| Organization for Security and Cooperation in Europe (CSCE)..... | 52 |
| World Food Program | 55 |
| World Meteorological Organization (WMO)..... | 55 |
| World Trade Organization (WTO) | 56 |
| International Finance Corporation..... | 56 |
| Association of South East Nations (ASEAN)..... | 57 |
| European Environment Agency (EEA) | 57 |
| Food and Agriculture Organization of the United Nations (FAO) | 57 |
| International Atomic Energy Agency (IAEA)..... | 58 |
| International Labor Organization (ILO) | 59 |
| North Atlantic Treaty Organization (NATO) | 59 |
| Organization of Economic Cooperation and Development (OECD) | 60 |

INTRODUCTION TO VOLUME II

This second volume supports the *Environmental Security: United Nations Doctrine for Managing Environmental Issues in Military Actions* study by the Millennium Project of the American Council for the United Nations University.

The environmental security is environmental viability for life support. This concept includes environmental damage caused by military forces directly, as well as non-military sources that could lead to conflict.

NATO has recently released a report entitled *Environment & Security in an International Context* that stressed the key role of international agreements in the prevention of conflicts due to environmental stress.

*Taking preventive action on environmental stress thus is the most appropriate approach to preventing environmental conflicts. Such preventive action is needed at all levels, but given that environmental stresses tend to be rooted in transboundary, regional and global environmental problems, **international and regional environmental agreements play a particularly important role in preventing environmental conflict***² [emphasis added].

There is no comprehensive agreement to address environmental security. Since it is such a broad concept, it may not be possible nor desirable to create such a comprehensive treaty. There are, however, a broad range of conventions and protocols that address environmental security threats.

To document the status of international agreements that address environmental security, a list of threats were drawn from the previous Millennium Project *Environmental Security: Emerging International Definitions, Perceptions, and Policy Considerations*³ and matched with the appropriate international treaties, conventions, and/or protocols⁴.

² NATO. Committee on the Challenges of Modern Society. 1999. *Environment & Security in an International Context*. Report 232, Brussels, Belgium.

³ Jerome C. Glenn, Theodore J. Gordon, Renat Perelet. 1998. *Environmental Security: Emerging International Definitions, Perceptions, and Policy Considerations*. Washington, D.C.: American Council for the UNU.

⁴ Joe B. Sills, Jerome C. Glenn, Theodore J. Gordon. 1999. *Environmental Security: United Nations Doctrine for Managing Environmental Issues in Military Actions*, Vol. 1, Chapter 2. Washington, D.C.: American Council for the UNU.

SAMPLE OF ENVIRONMENTAL SECURITY THREATS

1. Ozone layer depletion
2. Global climate change (rising sea level, changing rain distribution) due to greenhouse gas emission
3. Radioactive waste management; nuclear waste storage tank leakage
4. Radioactive spills from leaking nuclear submarines
5. Nuclear bomb tests
6. Accidents in nuclear plants; low radiation from accidents occurring in old nuclear power plants
7. Environmental impact of war such as the impact of bombing, and use of landmines and chemical and/or biological weapons
8. Environmental modification during war
9. Spills from stockpiles of “old weapons”
10. Oil spill and pollution
11. Natural disasters: earthquakes, floods, storms, volcanic activities, tornadoes and hurricanes
12. Food security (examples are famines in Somalia and, potentially, North Korea that may induce migration, disease and war)
13. Water scarcity and pollution including ground water contamination
14. Increasing international river usage
15. Soil erosion
16. Salinization
17. Deforestation
18. Desertification
19. Human migration as *cause* of environmental stress such as settlement in hazardous environments (river basin, coastal flood plains, and earthquake-prone zones) and in ecologically sensitive zones (certain forest, desert, wetland and marine environments)
20. Human migration as *effect* of environmental stress
21. Human population growth
22. Loss of biodiversity
23. Industrial development; industrial contamination of air and oceans
24. Fishery depletion due to over-fishing
25. Forest fires like those in Indonesia, Australia, Amazonian and Mediterranean countries
26. Transplantation of alien species into new ecosystems
27. New, re-emergent, and drug-resistant diseases
28. Disposal of hazardous/toxic wastes
29. Poverty; growing gap between rich and poor
30. Increasing intensive use of chemical fertilizer, pesticides and detergents
31. Destruction of coral reefs
32. Artificial genetic pollution

Some of these threats are anticipated by existing treaties, conventions, and protocols.

TREATIES, CONVENTIONS, AND PROTOCOLS THAT ADDRESS ENVIRONMENT-RELATED ISSUES

1. Protocol Additional to the Geneva Conventions of 12 August 1949, and Relating to the Protection of Victims of International Armed Conflicts (Protocol I) (1977)
2. Convention on the Prohibition of Military or Any Other Hostile Use of Environmental Modification Techniques (1976)
3. Convention on the Prohibition of the Development, Production and Stockpiling of Bacteriological (Biological) and Toxin Weapons, and on Their Destruction (1972)
4. Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on Their Destruction (1993)
5. Convention on Assistance in the Case of a Nuclear Accident or Radiological Emergency (1986)
6. Convention on Early Notification of a Nuclear Accident (1986)
7. Convention on Nuclear Safety (1994)
8. Treaty Banning Nuclear Weapon Tests in the Atmosphere, in Outer Space and Under Water (1963)
9. Comprehensive Nuclear-Test-Ban Treaty (1996)
10. Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and Their Disposal (1989)
11. Convention for the Protection of the World Cultural and Natural Heritage (1972)
12. Convention on Biological Diversity (1992)
13. Convention on International Trade in Endangered Species of Wild Fauna and Flora (1973)
14. Convention on the Protection and Use of Transboundary Watercourses and International Lakes (1992)
15. United Nations Convention on the Law of the Sea (1982)
16. Convention on the High Seas (1958)
17. Convention on Fishing and Conservation of the Living Resources of the High Seas (1958)
18. Convention on Long-Range Transboundary Air Pollution (1979)
19. Convention on Wetlands of International Importance Especially as Waterfowl Habitat (1971)
20. International Convention for the Prevention of Pollution of the Sea by Oil (1954, as amended in 1962 and 1969)
21. International Convention to Combat Desertification in Countries Experiencing Serious Drought and/or Desertification, Particularly in Africa (1994)
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25. Protocol to the 1979 Convention on Long-Range Transboundary Air Pollution Concerning the Control of Emissions of Nitrogen Oxides or Their Transboundary Fluxes (1988)
26. The Antarctic Treaty (1959)
27. Convention on Civil Liability for Damage Resulting from Activities Dangerous to the Environment (1993)
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29. Convention on the Transboundary Effects of Industrial Accidents (1992)
30. Convention for the Prevention of Marine Pollution from Land-Based Sources (1974)

31. Vienna Convention for the Protection of the Ozone Layer (1985)
32. The Montreal Protocol on Substances that Deplete the Ozone Layer (1987)
33. United Nations Framework Convention on Climate Change (1992)
34. Kyoto Protocol to the United Nations Framework Connection on Climate Change (1997)

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| <i>Protocol Additional to the Geneva Conventions of 12 August 1949, and Relating to the Protection of Victims of International Armed Conflicts (Protocol I) (1977)</i> | In Force: 07.12.1978 U.S not ratified | Threats: 7, 8 |
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- Preamble: Recalling that every State has the duty, in conformity with the Charter of the United Nations, to refrain in its international relations from the threat or use of force against the sovereignty, territorial integrity or political independence of any State, or in any other manner inconsistent with the purpose of the United Nations, Believing it necessary nevertheless to reaffirm and develop the provisions protecting the victims of armed conflicts and to supplement measures intended to reinforce their application, Reaffirming further that the provisions of the Geneva Conventions of 12 August and of this Protocol must be fully applied in all circumstances to all persons who are protected by those instruments, without any adverse distinction based on the nature or origin of the armed conflict or on the causes espoused by or attributed to the Parties to the conflict,
- PART I. GENERAL PROVISIONS; Article 1–General Principles and scope of application, 1. The High Contracting Parties undertake to respect and to ensure respect for this Protocol in all circumstances, 2. In cases not covered by this Protocol or by other international agreements, civilians and combatants remain under the protection and authority of the principles of international law derived from established custom, from the principles of humanity and from dictates of public conscience, 3. This Protocol, which supplements the Geneva Conventions of 12 August 1949 under the protection of war victims, shall apply in the situations referred to in Article 2 common to those Conventions.... Article 2- Definitions; ... (b) “Rules of international law applicable in armed conflict” means the rules applicable in armed conflict set forth in international agreements to which the Parties to the conflict are Parties and the generally recognized principles and rules of international law which are applicable to armed conflict; (c) “Protecting Power” means a neutral or other State not a Party to the conflict which has been designed by a Party to the conflict and accepted by the adverse Party and has agreed to carry out the functions assigned to a Protecting Power under the Conventions and this Protocol...
- Chapter II: CIVILIAN OBJECTS: Article 52- General Protection of civilian objects: 1. Civilian objects shall not be the object of attack of reprisals. Civilian objects are all objects which are not military objectives are defined in paragraph 2.
- Article 54–Protection of objects indispensable to the survival of the civilian population; 1. Starvation of civilians as a method of warfare is prohibited, 2. It is prohibited to attack, destroy, remove or render useless objects indispensable to the survival of the civilian population, such as food-stuffs, agricultural areas for the production of food-stuffs, crops, livestock, drinking water installations and supplies and irrigation works, for the specific purpose or to the adverse Party, whatever the motive, whether in order to starve out civilians, to cause them to move away, or for any other motive.
- Article 55–Protection of the natural environment: 1. “Care shall be taken in warfare to protect the natural environment against widespread, long-term and severe damage. This protection includes a prohibition of the use of methods of means of warfare which are intended or may be expected to cause such damage to the natural environment and thereby to prejudice the health or survival of the population.” 2. “Attacks against the natural environment by way of reprisals are prohibited.”

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| <i>Convention on the Prohibition of Military or Any Other Hostile Use of Environmental Modification Techniques (1976)</i> | In Force: 10.05.1978 U.S. signed on 05.18.1977, and ratified on 01.17.1980 | Threats: 8, 20 |
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- Article 1: “Each State Party to this Convention undertakes not to engage in military or any other hostile use of environmental modification techniques having widespread, long-lasting or severe effects as the means of destruction, damage or injury to any other State Party;
- Article II: As used in article 1, the term “environmental modification techniques” refers to any technique for changing—through the deliberate manipulation of natural processes—the dynamics, composition or structure of the Earth including its biota, lithosphere, hydrosphere and atmosphere, or of outer space.
- Article III, 2: The States Parties to this Convention...undertake to facilitate the exchange of scientific and technological information.... State Parties in a position to do so shall contribute, alone or together with other States or international organizations, to international economic and scientific co-operation in preservation, improvement and peaceful utilization of the environment, with due consideration for the needs of the developing areas of the world.
- Article IV: ...undertakes to take any measures it considers necessary in accordance with its constitutional process to prohibit and prevent any activity in violation of the provisions of the Convention anywhere under its jurisdiction or control
- Article V, 3: “Any State Party to this Convention which has reason to believe that another State Party is acting in breach of obligations derived from the provisions of the Convention may lodge a complaint with the Security Council of the United Nations. Such a complaint should include all relevant information as well as all possible evidence supporting its validity.
- Article V, 4-5: Each State Party...undertakes to cooperate in carrying out any investigation which the Security Council may initiate, in accordance with the provisions of the Charter of the U.N., on the basis of the complaint received by the Council.

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| <i>Convention on the Prohibition of the Development, Production and Stockpiling of Bacteriological (Biological) and Toxin Weapons, and on Their Destruction (1972)</i> | In Force: 03.26.1975 U.S. ratified | Threats: 7, 9, 20 |
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- Recalling that the General Assembly of the United Nations has repeatedly condemned all actions contrary to the principles and objectives of the Geneva Protocol of 17 June 1925,
- Article I: Each State Party to this Convention undertakes never in any circumstances to develop, produce, stockpile or otherwise acquire or retain: 1) microbial or other biological agents, or toxins whatever their origin or method of production, of types and in quantities that have no justification for prophylactic, protective or other peaceful purpose; 2) Weapons, equipment or means of delivery designed to use such agents or toxins for hostile purpose or in armed conflict.
- Article II: Each State Party to this Convention undertakes to destroy or to divert to peaceful purposes, as soon as possible but not later than nine months after the entry into force of the Convention all agents, toxins, weapons, equipment and means of delivery specified in Article I of the Convention.
- Article III: Each State Party to this Convention undertakes not to transfer to any recipient whatsoever...and not in any way to assist, encourage, or induce any State, group of States or international organizations to manufacture or otherwise acquire any of the agents, toxins, weapons, equipment or means of delivery specified in Article I of the Convention.
- Article IV: Each State Party to this Convention shall...take any necessary measures to prohibit and prevent development production, stockpiling, acquisition or retention of the agents, toxins,

weapons, equipment and means of delivery specified in Article I of the Convention, within the territory of such State, under its jurisdiction or under its control anywhere.

- Article V: The States Parties to the Convention undertake to consult one another and to co-operate in solving the problems which may arise in relation to the objective of, or in the application of the provisions of, the Convention....
- Article VI: 1) Any State Party...which finds that any other State Party is acting in breach of obligations deriving from the provisions of the Convention may lodge a complaint with the Security Council of the United Nations.... 2) Each State Party...undertakes to co-operate in carrying out any investigation which the Security Council may initiate.
- Article VII: Each State Party...undertakes to provide or support assistance, in accordance with the United Nations Charter, to any Party to the Convention which so requests, if the Security Council decides that such Party has been exposed to danger as a result of violation of this Convention.
- Article VIII: Nothing in this Convention shall be interpreted as in any way limiting or detracting from the obligations assumed by any State under the Protocol for the Prohibition of the Use in War of Asphyxiating, Poisonous or Other Gases, and of Bacteriological Methods of Warfare signed at Geneva on 17 June 1925.
- Article IX: Each State Party...affirms the recognized objective of effective prohibition of chemical weapons and, to this end, undertakes to continue negotiations in good faith with a view to reaching early agreement on effective measures for the prohibition of their development, production and stockpiling and for their destruction, and on appropriate measures concerning equipment and means of delivery specifically designed for the production or use of chemical agents for weapons purposes.
- Article XIII: 1) This Convention shall be of unlimited duration. 2) Each State Party...shall in exercising its national sovereignty have the right to withdraw from the Convention if it decides that extraordinary events...have jeopardized the supreme interests of its country.

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| <i>Convention on the Prohibition of Development, Production, Stockpiling and Use of Chemical Weapons and on Their Destruction (1993)</i> | In Force: 04.27.1997 U.S. ratified | Threats: 7, 9, 20 |
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- Recognizing that this Convention reaffirms principles and objectives of and obligations assumed under the Geneva Protocol of 1925, and the Convention on the Prohibition of the Development, Production and Stockpiling of Bacteriological (Biological) and Toxin Weapons and on their Destruction signed at London, Moscow and Washington on 10 April 1972,
- Article 1: 1) Each State Party to this Convention undertakes never under any circumstances: a) To develop, produce, otherwise acquire, stockpile or retain chemical weapons, or transfer, directly or indirectly, chemical weapons to anyone; b) To use chemical weapons; c) To engage in any military preparations to use chemical weapons; d) To assist, encourage or induce, in any way, anyone to engage in any activity prohibited to a State Party under this Convention. 2) Each State Party undertakes to destroy chemical weapons it owns or possesses, or that are located in any place under its jurisdiction or control, in accordance with the provisions of this Convention. 3) Each State Party undertakes to destroy all chemical weapons it abandoned on the territory of another State Party, in accordance with the provisions of this Convention. 4) Each State Party undertakes to destroy any chemical weapons production facilities it owns or possesses, or that are located in any place under its jurisdiction or control, in accordance with the provisions of this Convention. 5) Each State Party undertakes not to use riot control agents as a method of warfare.
- Article III: a) With respect to chemical weapons: i) Declare whether it owns or possesses any chemical weapons, or whether there are any chemical weapons located in any place under its jurisdiction or control; ii) Specify the precise location, aggregate quantity and detailed inventory of chemical weapons it owns or possesses, or that are located in any place under its jurisdiction or control, in accordance with Part IV (A), paragraphs 1 to 3, of the Verification Annex, except for those chemical weapons referred to in sub-subparagraph (iii); iii) Report any chemical weapons on its territory that are owned and possessed by another State and located in any place under the jurisdiction

or control of another State, in accordance with Part IV (A), paragraph 4, of the Verification Annex; iv) Declare whether it has transferred or received, directly or indirectly, any chemical weapons since 1 January 1946 and specify the transfer or receipt of such weapons, in accordance with Part IV (A), paragraph 5, of the Verification Annex; v) Provide its general plan for destruction of chemical weapons that it owns or possesses, or that are located in any place under its jurisdiction or control, in accordance with Part IV (A), paragraph 6, of the Verification Annex; b) With respect to old chemical weapons and abandoned chemical weapons: i) Declare whether it has on its territory old chemical weapons and provide all available information in accordance with Part IV (B), paragraph 3, of the Verification Annex; ii) Declare whether there are abandoned chemical weapons on its territory and provide all available information in accordance with Part IV (B), paragraph 8, of the Verification Annex; iii) Declare whether it has abandoned chemical weapons on the territory of other States and provide all available information in accordance with Part IV (B), paragraph 10, of the Verification Annex; c) With respect to chemical weapons production facilities: i) Declare whether it has or has had any chemical weapons production facility under its ownership or possession, or that is or has been located in any place under its jurisdiction or control at any time since 1 January 1946; ii) Specify any chemical weapons production facility it has or has had under its ownership or possession or that is or has been located in any place under its jurisdiction or control at any time since 1 January 1946, in accordance with Part V, paragraph 1, of the Verification Annex, except for those facilities referred to in sub-paragraph (iii); iii) Report any chemical weapons production facility on its territory that another State has or has had under its ownership and possession and that is or has been located in any place under the jurisdiction or control of another State at any time since 1 January 1946, in accordance with Part V, paragraph 2, of the Verification Annex; iv) Declare whether it has transferred or received, directly or indirectly, any equipment for the production of chemical weapons since 1 January 1946 and specify the transfer or receipt of such equipment, in accordance with Part V, paragraphs 3 to 5, of the Verification Annex; v) Provide its general plan for destruction of any chemical weapons production facility it owns or possesses, or that is located in any place under its jurisdiction or control, in accordance with Part V, paragraph 6, of the Verification Annex; vi) Specify actions to be taken for closure of any chemical weapons production facility it owns or possesses, or that is located in any place under its jurisdiction or control, in accordance with Part V, paragraph 1 (i), of the Verification Annex; vii) Provide its general plan for any temporary conversion of any chemical weapons production facility it owns or possesses, or that is located in any place under its jurisdiction or control, into a chemical weapons destruction facility, in accordance with Part V, paragraph 7, of the Verification Annex; d) With respect to other facilities: Specify the precise location, name and general scope of activities of any facility or establishment under its ownership or possession, or located in any place under its jurisdiction or control, and that has been designed, constructed or used since 1 January 1946 primarily for development of chemical weapons. Such declaration shall include, inter alia, laboratories and test and evaluation sites; e) With respect to riot control agents: Specify the chemical name, structural formula and Chemical Abstracts Service (CAS) registry number, if assigned, of each chemical it holds for riot control purposes. This declaration shall be updated not later than 30 days after any change becomes effective. 2) The provisions of this Article and the relevant provisions of Part IV of the Verification Annex shall not, at the discretion of a State Party, apply to chemical weapons buried on its territory before 1 January 1977 and which remain buried, or which had been dumped at sea before 1 January 1985.

- Article IV: 3) All locations at which chemical weapons specified in paragraph 1 are stored or destroyed shall be subject to systematic verification through on-site inspection and monitoring with on-site instruments, in accordance with Part IV (A) of the Verification Annex. 4) Each State Party shall, immediately after the declaration under Article III paragraph 1 (a), has been submitted, provide access to chemical weapons specified in paragraph 1 for the purpose of systematic verification of the declaration through on-site inspection. Thereafter, each State Party shall not remove any of these chemical weapons, except to a chemical weapons destruction facility. It shall provide access to such chemical weapons, for the purpose of systematic on-site verification. 5) Each State Party shall provide access to any chemical weapons destruction facilities and their storage areas, that it owns or

possesses, or that are located in any place under its jurisdiction or control, for the purpose of systematic verification through on-site inspection and monitoring with on-site instruments. 6) Each State Party shall destroy all chemical weapons specified in paragraph 1 pursuant to the Verification Annex and in accordance with the agreed rate and sequence of destruction (hereinafter referred to as "order of destruction"). Such destruction shall begin not later than two years after this Convention enters into force for it and shall finish not later than 10 years after entry into force of this Convention. A State Party is not precluded from destroying such chemical weapons at a faster rate. 7) Each State Party shall: a) Submit detailed plans for the destruction of chemical weapons specified in paragraph 1 not later than 60 days before each annual destruction period begins, in accordance with Part IV (A), paragraph 29, of the Verification Annex; the detailed plans shall encompass all stocks to be destroyed during the next annual destruction period, b) Submit declarations annually regarding the implementation of its plans for destruction of chemical weapons specified in paragraph 1, not later than 60 days after the end of each annual destruction period, and c) Certify, not later than 30 days after the destruction process has been completed, that all chemical weapons specified in paragraph 1 have been destroyed. 9) Any chemical weapons discovered by a State Party after the initial declaration of chemical weapons shall be reported, secured and destroyed in accordance with Part IV (A) of the Verification Annex. 10) Each State Party, during transportation, sampling, storage and destruction of chemical weapons, shall assign the highest priority to ensuring the safety of people and to protecting the environment. Each State Party shall transport, sample, store and destroy chemical weapons in accordance with its national standards for safety and emissions. 11) Any State Party which has on its territory chemical weapons that are owned or possessed by another State, or that are located in any place under the jurisdiction or control of another State, shall make the fullest efforts to ensure that these chemical weapons are removed from its territory not later than one year after this Convention enters into force for it. If they are not removed within one year, the State Party may request the Organization and other States Parties to provide assistance in the destruction of these chemical weapons

- Article V: 1) The provisions of this Article and the detailed procedures for its implementation shall apply to any and all chemical weapons production facilities owned or possessed by a State Party, or that are located in any place under its jurisdiction or control. 2) Detailed procedures for the implementation of this Article are set forth in the Verification Annex. 3) All chemical weapons production facilities specified in paragraph 1 shall be subject to systematic verification through on-site inspection and monitoring with on-site instruments in accordance with Part V of the Verification Annex. 4) Each State Party shall cease immediately all activity at chemical. 5) No State Party shall construct any new chemical weapons production facilities or modify any existing facilities for the purpose of chemical weapons production or for any other activity prohibited under this Convention.
- Article VI: 1. Each State Party has the right, subject to the provisions of this Convention, to develop, produce, otherwise acquire, retain, transfer and use toxic chemicals and their precursors for purposes not prohibited under this Convention. 8) Each State Party shall make annual declarations regarding the relevant chemicals and facilities in accordance with the Verification Annex. 9) For the purpose of on-site verification, each State Party shall grant to the inspectors access to facilities as required in the Verification Annex.
- Article VIII: 1) The States Parties to this Convention hereby establish the Organization for the Prohibition of Chemical Weapons to achieve the object and purpose of this Convention, to ensure the implementation of its provisions, including those for international verification of compliance with it and to provide a forum for consultation and co-operation among States Parties. ...19) The Conference shall be the principal organ of the Organization. It shall consider any questions, matters or issues within the scope of this Convention, including those relating to the powers and functions of the Executive Council and the Technical Secretariat. It may make recommendations and take decisions on any questions, matters or issues related to this Convention raised by a State Party or brought to its attention by the Executive Council.
- Article IX: ...2) A State Party which receives a request from another State Party for clarification of any matter which the requesting State Party believes causes such a doubt or concern shall provide the

requesting State Party as soon as possible, but in any case not later than 10 days after the request, with information sufficient to answer the doubt or concern raised along with an explanation of how the information provided resolves the matter. Nothing in this Convention shall affect the right of any two or more States Parties to arrange by mutual consent for inspections or any other procedures among themselves to clarify and resolve any matter which may cause doubt about compliance or gives rise to a concern about a related matter which may be considered ambiguous. Such arrangements shall not affect the rights and obligations of any State Party under other provisions of this Convention. 3) A State Party shall have the right to request the Executive Council to assist in clarifying any situation which may be considered ambiguous or which gives rise to a concern about the possible non-compliance of another State Party with this Convention. The Executive Council shall provide appropriate information in its possession relevant to such a concern. 4) A State Party shall have the right to request the Executive Council to obtain clarification from another State Party on any situation which may be considered ambiguous or which gives rise to a concern about its possible non-compliance with this Convention ... 5) A State Party shall also have the right to request the Executive Council to clarify any situation which has been considered ambiguous or has given rise to a concern about its possible non-compliance with this Convention. The Executive Council shall respond by providing such assistance as appropriate. 6) The Executive Council shall inform the States Parties about any request for clarification provided in this Article. 7) If the doubt or concern of a State Party about a possible non-compliance has not been resolved within 60 days after the submission of the request for clarification to the Executive Council, or it believes its doubts warrant urgent consideration, notwithstanding its right to request a challenge inspection, it may request a special session of the Conference in accordance with Article VIII paragraph 12 c). At such a special session, the Conference shall consider the matter and may recommend any measure it deems appropriate to resolve the situation. Procedures for challenge inspections 8) Each State Party has the right to request an on-site challenge inspection of any facility or location in the territory or in any other place under the jurisdiction or control of any other State Party for the sole purpose of clarifying and resolving any questions concerning possible non-compliance with the provisions of this Convention, and to have this inspection conducted anywhere without delay by an inspection team designated by the Director-General and in accordance with the Verification Annex. 9) Each State Party is under the obligation to keep the inspection request within the scope of this Convention and to provide in the inspection request all appropriate information on the basis of which a concern has arisen regarding possible non-compliance with this Convention as specified in the Verification Annex. Each State Party shall refrain from unfounded inspection requests, care being taken to avoid abuse. The challenge inspection shall be carried out for the sole purpose of determining facts relating to the possible non-compliance. 10) For the purpose of verifying compliance with the provisions of this Convention, each State Party shall permit the Technical Secretariat to conduct the on-site challenge inspection pursuant to paragraph 8. 11) Pursuant to a request for a challenge inspection of a facility or location, and in accordance with the procedures provided for in the verification Annex, the inspected State Party shall have: a) The right and the obligation to make every reasonable effort to demonstrate its compliance with this Convention and, to this end, to enable the inspection team to fulfil its mandate; b) The obligation to provide access within the requested site for the sole purpose of establishing facts relevant to the concern regarding possible non-compliance; and c) The right to take measures to protect sensitive installations, and to prevent disclosure of confidential information and data, not related to this Convention. 12) With regard to an observer, the following shall apply: a) The requesting State Party may, subject to the agreement of the inspected State Party, send, a representative who may be a national either of the requesting State Party or of a third State Party, to observe the conduct of the challenge inspection. b) The inspected State Party shall then grant access to the observer in accordance with the Verification Annex. c) The inspected State Party shall, as a rule, accept the proposed observer, but if the inspected State Party exercises a refusal, that fact shall be recorded in the final report, 13) The requesting State Party shall present an inspection request for an on-site challenge inspection to the Executive Council and at the same time to the Director-General for immediate processing.

- Article X: 2) Nothing in this Convention shall be interpreted as impeding the right of any State Party to conduct research into, develop, produce, acquire, transfer or use means of protection against chemical weapons, for purposes not prohibited under this Convention, 8) Each State Party has the right to request and, subject to the Procedures set forth in paragraphs 9, 10 and 11, to receive assistance and protection against the use or threat of use of chemical weapons if it considers that: a) Chemical weapons have been used against it; b) Riot control agents have been used against it as a method of warfare; or c) It is threatened by actions or activities of any State that are prohibited for States Parties by Article 1.
- Article XII: 1...In considering action pursuant to this paragraph, the Conference shall take into account all information and recommendations on the issues submitted by the Executive Council. 2) ...where the State Party fails to fulfil the request within the specified time, the Conference may, inter alia, upon the recommendation of the Executive Council, restrict or suspend the State Party's rights and privileges under this Convention until it undertakes the necessary action to conform with its obligations under this Convention. 3) In cases where serious damage to the object and purpose of this Convention may result from activities prohibited under this Convention, in particular by Article 1, the Conference may recommend collective measures to States Parties in conformity with international law. 4) The Conference shall, in cases of particular gravity, bring the issue, including relevant information and conclusions, to the attention of the United Nations General Assembly and the United Nations Security Council.
- Article XIII: Nothing in this Convention shall be interpreted as in any way limiting or detracting from the obligations assumed by any State under the Protocol for the Prohibition of the Use in War of Asphyxiating, Poisonous or Other Gases, and of Bacteriological Methods of Warfare, signed at Geneva on 17 June 1925, and under the Convention on the Prohibition of the Development, Production and Stockpiling of Bacteriological (Biological) and Toxin Weapons and on Their Destruction, signed at London, Moscow and Washington on 10 April 1972.
- Article XIV: 2) When a dispute arises between two or more States Parties, or between one or more States Parties and the Organization, relating to the interpretation or application of this Convention, the parties concerned shall consult together with a view to the expeditious settlement of the dispute by negotiation or by other peaceful means of the parties' choice, including recourse to appropriate organs of this Convention and, by mutual consent, referral to the International Court of Justice in conformity with the Statute of the Court. The States Parties involved shall keep the Executive Council informed of actions being taken. 3) The Executive Council may contribute to the settlement of a dispute by whatever means it deems appropriate, including offering its good offices, calling upon the States Parties to a dispute to start the settlement process of their choice and recommending a time-limit for any agreed procedure. 5) The Conference and the Executive Council are separately empowered, subject to authorization from the General Assembly of the United Nations, to request the International Court of Justice to give an advisory opinion on any legal question arising within the scope of the activities of the Organization. An agreement between the Organization and the United Nations shall be concluded for this purpose in accordance with Article VIII, paragraph 34 (a).

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| <i>Convention on Assistance in the Case of a Nuclear Accident or Radiological Emergency (1986)</i> | In Force: 02.26.1987 U.S. ratified | Threats: 3, 4, 5, 6 |
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- Article 1, 1: “The States Parties shall cooperate between themselves and with the IAEA...to facilitate prompt assistance in the event of a nuclear accident or radiological emergency to minimize its consequences and to protect life, property and the environment from the effects of radioactive releases.”
- Article 2, 1: “ If a State Party needs assistance...whether or not such accident or emergency originates within its territory, jurisdiction or control, it may call for such assistance from any other State Party, directly or through the IAEA, and from the IAEA or...international intergovernmental organizations.”

- Article 2, 2: “In the event that it is not practicable for the requesting State Party to specify the scope and the type of assistance required, the requesting [and assisting] State Parties shall, in consultation, decide [these things].”
- Article 2, 5: “Any State Party may request assistance relating to medical treatment or temporary relocation into the territory of another State Party of people involved in a nuclear accident or radiological emergency.”
- Article 2, 6: The IAEA “shall respond...by (a) making available appropriate resources allocated for this purpose; (b) transmitting promptly the request to other States and international organizations...; (c) if so requested...coordinating the assistance at the international level.
- Article 3: “Unless otherwise agreed: (a) the overall direction, control, co-ordination and supervision of the assistance shall be the responsibility within its territory of the requesting State. The assisting party should, where the assistance involves personnel, designate in consultation with the requesting State, the person who should be in charge of and retain immediate operational supervision over the personnel and the equipment provided by it. The designated person should exercise such supervision in cooperation with the appropriate authorities of the requesting State; (b) the requesting State shall provide...local facilities and services for the proper and effective administration of the assistance. It shall also ensure the protection of personnel, equipment and materials brought into its territory by or on behalf of the assisting party for such purpose.
- Article 5: Functions of the IAEA: “ to: (a) collect and disseminate to States Parties and Member States information concerning: (I) experts, equipment and materials...available...(ii) methodologies, techniques and available results of research relating to response...(b) assist a State Party...when requested in any of the following or other appropriate matters: (I) preparing emergency plans and...appropriate legislation; (ii) develop training programs for personnel; (iii) transmit requests for assistance and relevant information; (iv) develop radiation monitoring programs, procedures and standards; (v) conduct investigations into the feasibility of establishing radiation monitoring systems;
- Article 5, (e): “Establish and maintain liaison with relevant international organizations...to obtain and exchange information and data, and make a list of such organizations available to States Parties...”

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| <i>Convention on Early Notification of a Nuclear Accident (1986)</i> | In Force: 10.27.1986 U.S. ratified | Threats: 3, 4, 6, 19, 20 |
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- Article 1: Scope of Application 1: ...[applies] in the event of any accident involving facilities or activities of a State Party or of persons or legal entities under its jurisdiction or control; 2. (a) any nuclear reactor wherever located; (b) any nuclear fuel cycle facility; (c) any radioactive waste management facility; (d) the transport and storage of nuclear fuels or radioactive wastes; (e) the manufacture, use, storage, disposal and transport of radioisotopes for agricultural, industrial, medical and related scientific and research purposes; and (f) the use of radioisotopes for generation in space objects
- In the event of an accident: the State Party shall forthwith notify, directly or through the International Atomic Energy Agency, those States which are or may be physically affected as specified in article 1 and the Agency of the nuclear accident, its nature, the time of its occurrence and its exact location where appropriate; and to promptly provide the States referred to in subparagraph (a) directly or through the IAEA, with such available information relevant to minimizing the radiological consequences in those States
- The IAEA shall inform State Parties, Member States, other States which are or may be physically affected...and relevant international organizations of a notification...and promptly provide any State Party, Member State or relevant international organization, upon request, with the information received
- Article 5: Information to be provided: 1. the time, exact location where appropriate, and the nature of the nuclear accident; 2. the facility or activity involved; 3. The assumed or established cause and

the foreseeable development of the nuclear accident relevant to the transboundary release of the radioactive materials; 4. the general characteristics of the radioactive release, including...the nature, probably physical and chemical form and the quantity, composition and effective height of the radioactive release; 5. information on current and forecast meteorological and hydrological conditions, necessary for forecasting the transboundary release of the radioactive materials; 6. the results of environmental monitoring relevant to the transboundary release of the radioactive materials; 7. the off-site protective measures taken or planned; 8. the predicted behavior over time of the radioactive release.

- Article 8: Assistance to State Parties: “the agency shall...upon request of a State Party which does not have nuclear activities itself and borders on a State having an active nuclear program but not Party, conduct investigations into the feasibility and establishment of an appropriate radiation monitoring system...”
- Article 11: Settlement of disputes: “if a dispute...cannot be settled within one year from the request...it shall...be submitted to arbitration or referred to the International Court of Justice for decision. Where a dispute is submitted to arbitration, if, within six months from the date of the request, the parties ...are unable to agree on the organization of the arbitration, a party may request the President of the International Court of Justice or the Secretary-General of the UN to appoint one or more arbitrators.” The request of the Secretary-General shall have priority.

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| <i>Convention on Nuclear Safety (1994)</i> | In Force: 10.24.1996 U.S. not ratified | Threats: 3, 4, 20 |
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- Article 7: 1) Each Contracting Party shall establish and maintain a legislative and regulatory framework to govern the safety of nuclear installations; 2) The legislative and regulatory framework shall provide for: i)...national safety requirements and regulations; ii) a system of licensing...; iii) a system of regulatory inspection and assessment of nuclear installations to ascertain compliance...; iv) the enforcement of applicable regulations and of the terms of license...
- Article 8: Each contracting party shall establish or designate a regulatory body entrusted with the implementation of the legislative and regulatory framework referred to in Article 7...
- Article 10: Each contracting party shall take the appropriate steps to ensure all organizations engaged in activities directly related to nuclear installations shall establish policies that give due priority to nuclear safety.
- Article 14: Each contracting parties shall take the appropriate steps to ensure that: i) ...safety assessments are carried out before the construction and commissioning of a nuclear installation and throughout its life.... ii) verification by analysis, surveillance, testing and inspection is carried out to ensure that the physical state and the operation of a nuclear installation continue to be in accordance with its design, applicable national safety requirements, and operational limits and conditions.
- Article 19: each contracting party shall take the appropriate steps to ensure that: vi) incidents significant to safety are reported in a timely manner by the holder of the relevant license to the regulatory body;
- Article 29: In the event of disagreement between two or more contracting parties concerning the interpretation or application of this Convention, the Contracting Parties shall consult within the framework of a meeting of the Contracting Parties with a view of to resolving the disagreement.

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| <i>Treaty Banning Nuclear Weapon Tests in the Atmosphere, in Outer Space and Under Water (1963)</i> | In Force: 10.10.1963 U.S. ratified | Threats: 5 |
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- put an end to the armaments race and eliminate the incentive to the production and testing of all kinds of weapons, including nuclear weapons (preamble)

- Article I: undertake to prohibit, to prevent, and not to carry out any nuclear weapon test explosion, or any other nuclear explosion, at any place under its jurisdiction or control; a) in the atmosphere; beyond its limits, including outer space; or underwater, including territorial waters or high seas; b)....without prejudice to the conclusion of a treaty resulting in the permanent banning of all nuclear test explosions, including all such explosions underground...c)...to refrain from causing, encouraging, or in any way participating in, the carrying out of any nuclear weapon test explosion, anywhere....
- Article IV: each party shall...have the right to withdraw from the Treaty...

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| <i>Comprehensive Nuclear-Test-Ban Treaty (1996)</i> | Not in Force: Adopted on 09.24.1996. U.S. not ratified | Threats: 5 |
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- Preamble: **Welcoming** the international agreements and other positive measures of recent years in the field of nuclear disarmament, including reductions in arsenals of nuclear weapons, as well as in the field of the prevention of nuclear proliferation in all its aspects...**Recognizing** that the cessation of all nuclear weapon test explosions and all other nuclear explosions, by constraining the development and qualitative improvement of nuclear weapons and ending the development of advanced new types of nuclear weapons, constitutes an effective measure of nuclear disarmament and on-proliferation in all its aspects, **Further recognizing** that an end to all such nuclear explosions will thus constitute a meaningful step in the realization of a systematic process to achieve nuclear disarmament, ...
- Article 1: Basic Obligations, 1. Each State Party undertakes not to carry out any nuclear weapons test explosion or any other nuclear explosion, and to prohibit and prevent any such unclear explosion at any place under its jurisdiction or control; 2. Each State Party undertakes, furthermore, to refrain from causing, encouraging, or in any way participating in the carrying out of any nuclear weapon test explosion or any other unclear explosion.
- The Organization: A. General Provisions; 1. The States Parties hereby establish the Comprehensive Nuclear-Test-Ban Treaty Organization to achieve the object and purpose of this Treaty, to ensure the implementation of its provisions, including those for compliance with it, and to provide a forum for consultation and cooperation among State Parties...4. Each State Party shall cooperate with the Organization in the exercise of its functions in accordance with this Treaty. States Parties shall consult, directly among themselves, or through the Organization or other appropriate international procedures, including procedures within the framework of the United Nations and in accordance with its Charter, on any matter which may be raised relating to the object and purpose, or the implementation of the provisions, or this Treaty...8. The Organization, as an independent body, shall seek to utilize existing expertise and facilities, as appropriate, and to maximize cost efficiencies, through cooperative arrangements with other international organizations such as the International Atomic Agency. Such arrangements, excluding those of a minor and normal commercial and contractual nature, shall be set out in arrangements to be submitted to the Conference of the State Parties for approval...
- C. The Executive Council; *Composition, Procedures and Decision-making* 27. The executive council shall consist of 51 members. Each State Party shall have the right, in accordance with provisions of the Article, to serve on the Executive Council; 28. Taking into account the need for equitable geographical distribution, the Executive Council shall comprise: (a) Ten States Parties from Africa; (b) Seven States Parties from Eastern Europe; (c) Nine States Parties from Latin America and the Caribbean; (d) Seven States Parties from the Middle East and South Asia; (e) Ten States Parties from North America and Western Europe; and (f) Eight States Parties from South-East Asia, the Pacific and the Far-East. *Power and Functions* 37. The Executive Council shall be the executive organ of the Organization. It shall be responsible to the Conference. It shall carry out the powers and functions entrusted to it in accordance with this Treaty. In so doing, it shall act in conformity with the recommendations, decisions and guidelines of the Conference and ensure their continuous and proper implementation.

- D. The Technical Secretariat: 42. The Technical Secretariat shall assist States Parties in the implementation of this Treaty. The Technical Secretariats shall assist the Conference and the Executive Council in the performance of their functions. The Technical Secretariat shall carry out the verification and other function entrusted to it by this Treaty, as well as those functions delegated to it by the Conference of the Executive Council in accordance with this Treaty. The Technical Secretariat shall include, as an integral part, the International Data Centre...44. The Technical Secretariat shall develop and maintain, subject to approval by the Executive Council, operational manuals to guide the operation of the various components of the verification regime, in accordance with Article IV and the Protocol. These manuals shall not constitute integral parts of this Treaty or the Protocol and may be changes by the Technical Secretariat subject to approval by the Executive Council. The technical Secretariat shall promptly inform the State Parties of any changes in the operational manuals...
- Article III. National Implementation Measures: 1. Each State Party shall, in accordance with its constitutional processes, take any necessary measures to implement its obligations under this Treaty. In Particular, it shall take any necessary measures: (a) To prohibit natural and legal persons anywhere in its territory or in any other place under its jurisdiction as recognized by international law from undertaking any activity to a State Party under this Treaty; (b) To prohibit natural and legal persons from undertaking any such activity anywhere under its control; and (c) To prohibit, in conformity with international law; natural possessing its nationality from undertaking any such activity anywhere; 2. Each State Party shall inform the Organization of the measures takes pursuant to this Article...
- Article IV. B. The International Monitoring System; 16. The International Monitoring System shall comprise facilities for seismological monitoring, radionuclide monitoring including certified laboratories, hydroacoustic monitoring, infrasound monitoring, and respective means of communication and shall be supported by the International Data Centre of the Technical Secretariat...C. Consultation and Clarification; 29. Without prejudice to the right of any State Party to request an on-site inspection, State Parties should, whenever possible first make every effort to clarify and resolve, among themselves or with or through the Organization, any matter which may cause concern about possible non-compliance with the basic obligations of this Treaty; 30. A State Party that receives a request pursuant to paragraph 29 directly from another State Party shall provide the clarification to the requesting State Party as soon as possible, but in any case no later than 48 hours after the request. The requesting and requested State Parties may keep the Executive Council and the Director-General informed of the request and the response; 31. A State Party shall have the right to request the Director-General to assist in clarifying any matter which may cause concern about possible non-compliance with the basic obligations of this Treaty. The Director-General shall provide appropriate information in the possession of the Technical Secretariat relevant to such a concern. The Director-General shall inform the Executive Council of the request and of the information provided in response, if so requested by the requesting State Party ; D. On-Site Inspections; *Request for an On-Site Inspection*; 34. Each State Party has the right to request an on-site inspection in accordance with the provisions of this Article and Part II of the Protocol in the territory of in any other place under the jurisdiction or control of any State Party, or in any area beyond the jurisdiction or control of any State; 35. The sole Purpose of an on-site inspection shall be to clarify whether a nuclear weapon test explosion or any other nuclear explosion has been carried out in violation of Article U and, to the extent possible, to gather any facts which assist in identifying any possible violator...*Follow-up after Executive Council Approval of an On-Site Inspection*; 53. An on-site inspection approved by the Executive Council shall be conducted without delay by an inspection team designed by the Director-General and in accordance with the provisions of the Treaty and the Protocol. The inspection team shall arrive at the point of entry no later than six days following the receipt by the Executive Council of the on-site inspection from the requesting State-Party...*The Conduct of an On-Site Inspection*; 56. Each State Party shall permit the Organization to conduct an on-site inspection on its territory or at places under its jurisdiction or control in accordance with the provisions of this Treaty and the Protocol. However, no State Party

shall have to accept simultaneous on-site inspections on its territory or at places under its jurisdiction or control...

- Article V. Measure to Redress a Situation and to Ensure Compliance, Including Sanctions; 1. The Conference, taking into account, *inter alia*, the recommendations of the Executive Council, shall take the necessary measures, as set forth in paragraph 2 and 3, to ensure compliance with this Treaty and to redress and remedy any situation which contravenes the provisions of this Treaty.

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| <i>Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and Their Disposal (1989)</i> | In Force: 05.05.1992 U.S. not ratified | Threats: 3, 9, 20, 23, 28 |
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- Preamble: “Fully recognizing that any State has the sovereign right to ban the entry or disposal of foreign hazardous wastes and other wastes in its territory...Noting that a number of international and regional agreements have addressed the issue of protection and preservation of the environment with regard to the transit of dangerous goods...Affirming that States are responsible for the fulfillment of their international obligations concerning the protection and preservation of the environment, and are liable in accordance with international law...are Determined to protect, by strict control, human health and the environment against the adverse effects which may result from the generation and management of hazardous wastes and other wastes.”
- Article 2, Number 8: “ ‘Environmentally sound management of hazardous wastes and other wastes’ means taking all practical steps to ensure that hazardous wastes or other wastes are managed in a manner which will protect human health and the environment against the adverse effects which may result from such wastes.”
- Article 4: General Obligations 1 a-c, 2 a-h;
- Article 5, Number 1: “Designate or establish one or more competent authorities and one focal point. One competent authority shall be designated to receive the notification in case of a State of transit. 2. Inform the Secretariat [of these agencies] and 3. Inform the Secretariat...of changes regarding [this] designation.”
- Article 10-International Co-operation: 1. “The Parties shall co-operate with each other in order to improve and achieve environmentally sound management of hazardous wastes and other wastes.” Article 10, Number 2, b) Cooperate in monitoring the effects of the management of hazardous wastes on human health and the environment.”
- Article 13: 1) The Parties shall, whenever it comes to their knowledge, ensure that, in the case of an accident occurring during the transboundary movement of hazardous wastes or other wastes or their disposal, which are likely to present risks to human health and the environment in other States, those states are immediately informed. 2)The Parties shall inform each other, through the Secretariat, of: a) Changes regarding the designation of competent authorities and/or focal points... b) Changes in their national definition of hazardous wastes,...c) Decisions made by them not to consent totally or partially to the import of hazardous wastes or other wastes for disposal within the area under their national jurisdiction; d) Decisions taken by them to limit or ban the export of hazardous wastes or other wastes...

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| <i>Convention for the Protection of the World Cultural and Natural Heritage (1972)</i> | In Force: 12.17.1975 U.S. ratified | Threats: 3–12, 15–19, 22, 25, 26, 31 |
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- Article 1: For the purpose of this convention, the following shall be considered as “cultural heritage” : Monuments, architectural works, works of monumental sculptures and paintings, elements or structures of an archeological nature, inscriptions, cave dwellings and combinations of features, which are of outstanding universal value from the point of view of history ,art groups of buildings: groups of separate or connected buildings which, because of their

architecture, their homogeneity or their place in the landscape, are of outstanding universal value from the point of view of history, art or science;

Sites: works of man of the combined works of nature and man, and areas including archaeological sites which are of outstanding universal value from the historical, aesthetic, ethnological or anthropological point of view.

- Article 2: For the purpose of this convention, the following shall be considered as “natural heritage”: Natural features consisting of physical and biological formations or groups of such formations, which are of outstanding universal value from the aesthetic or scientific point of view; Geological and physiographical formations and precisely delineated areas which constitute the habitat of threatened species of animals and plants of outstanding universal value from the point of view of science or conservation; Natural sites of precisely delineated natural areas of outstanding universal value from the point of view science, conservation or natural beauty.
- Article 4: Each State Party to this Convention recognizes that the duty of ensuring the identification, protection, conservation, presentation and transmission to future generations of the cultural and natural heritage referred to in Articles 1 and 2 and situated on its territory, belongs primarily to that State. It will do all it can to this end, to the utmost of its own resources and, where appropriate, with any international assistance and cooperation, in particular, financial, artistic, scientific, technical, which it may be able to obtain.
- Article 6: 1. Whilst fully respecting the sovereignty of the States on whose territory the cultural and natural heritage mentioned in Articles 1 and 2 is situated , and without prejudice to property right provided by national legislation, the States Parties to this Convention recognize that such heritage constitutes a world heritage for whose protection it is the duty of the international community as a whole to co-operate.
- Article 7: For the purpose of this Convention, international protection of the world cultural and natural heritage shall be understood to mean the establishment of a system of international co-operation and assistance designed to support States Parties to the Convention in their efforts to conserve and identify that heritage.
- Article 8: 1. An Intergovernmental Committee for the Protection of the Cultural and Natural Heritage of Outstanding Universal Value, called “ the World Heritage Committee,” is hereby established within the United Nations Education, scientific and Cultural Organization. It shall be composed of 15 States Parties ...
- Article 11:...4. The committee shall establish, keep up to date and publish, whenever circumstances shall so require, under the title of “list of World Heritage in Danger,” a list of the property appearing in the World Heritage List for the conservation of which major operations are necessary and for which assistance has been requested under this conservation. This list shall contain an estimate of the cost of such operations. This list may includes only such property forming part of the cultural and natural heritage as is threatened by serious and specific dangers, such as the threat of disappearance caused by accelerated deterioration, large-scale public or private projects or rapid urban or tourist development projects; destruction caused by changes in the use or ownership of the land; major alternations due to unknown causes; abandonment for any reason whatsoever; the outbreak of the threat of an armed conflict; calamities and cataclysms; serious fires, earthquakes, landslides; volcanic eruptions, changes in water level, floods and tidal waves. The Committee may at any time, in case of urgent need, make a new entry in the list of World Heritage in danger and publicize such entry immediately.

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| <i>Convention on Biological Diversity (1992)</i> | In Force: 12.29.1993 U.S. not ratified | Threats: 3–5, 7–11, 14–19, 21–26, 28, 31, 32 |
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- states have sovereign rights over their own biological resources (preamble)
- fundamental requirement for the conservation of ... is the in-situ conservation of ecosystems and natural habitats and the maintenance and recovery of viable populations of species...in areas within the limits of its national jurisdiction; in the case of processes and activities, regardless of where their effects occur, carried out under its jurisdictional or control within the area of its national jurisdiction or beyond the limits of national jurisdiction
- Article 5: Each Contracting Party shall...cooperate with other Contracting Parties....where appropriate, through competent international organizations, in respect of areas beyond national jurisdiction and on other matters of mutual interest, for the conservation and sustainable Use of biological diversity.
- Article 14: 1) Each Contracting Party, as far as possible and as appropriate, shall: a) Introduce appropriate procedures requiring environmental impact assessment of its proposed projects that are likely to have significant adverse effects on biological diversity with a view to avoiding or minimizing such effects and, where appropriate, allow for public participation in such procedures; b) Introduce appropriate arrangements to ensure that the environmental consequences of its programs and policies that are likely to have significant adverse impacts on biological diversity are duly taken into account; c) Promote, on the basis of reciprocity, notification, exchange of information and consultation on activities under their jurisdiction or control which are likely to significantly affect adversely the biological diversity of other States or areas beyond the limits of national jurisdiction, by encouraging the conclusion of bilateral, regional or multilateral arrangements, as appropriate; d) In the case of imminent or grave danger or damage, originating under its jurisdiction or control, to biological diversity within the area under jurisdiction of oilier States or in areas beyond the limits of national jurisdiction, notify immediately the potentially affected States of such danger or damage, as well as initiate action to prevent or minimize such danger or damage; and e) Promote national arrangements for emergency responses to activities or events, whether caused naturally or otherwise, which present a grave and imminent danger to biological diversity and encourage international cooperation to supplement such national efforts and, where appropriate and agreed by the States or regional economic integration organizations concerned, to establish joint contingency plans. 2) The Conference of the Parties shall examine, on the basis of studies to be carried out, the issue of liability and redress, including restoration and compensation, for damage to biological diversity, except where such liability is a purely internal
- Article 15: Access to Genetic Resources 1. Recognizing the sovereign rights of States over their natural resources, the authority to determine access to genetic resources rests with the national governments and is subject to national legislation. 2. Each Contracting Party shall endeavor to create conditions to facilitate access to genetic resources for environmentally sound uses by other Contracting Parties and not to impose restrictions that run counter to the objectives of this Convention. 3. For the purpose of this Convention, the genetic resources being provided by a Contracting Party, as referred to in this Article and Articles 16 and 19, are only those that are provided by Contracting Parties that are countries of origin of such resources or by the Parties that have acquired the genetic resources in accordance with this Convention. 4. Access, where granted, shall be on mutually agreed terms and subject to the provisions of this
- Article 27: 1) In the event of a dispute between Contracting Parties concerning the interpretation or application of this Convention, the parties concerned shall seek solution by negotiation. 2) If the parties concerned cannot reach agreement by negotiation, they may jointly seek the good offices of, or request mediation by, a third party. 3) When ratifying, accepting, approving or acceding to this Convention, or at any time thereafter, a State or regional economic integration organization may declare in writing to the Depositary that for a dispute not resolved in accordance with paragraph 1 or paragraph 2 above, it accepts one or both of the following means of dispute

settlement as compulsory: a) Arbitration in accordance with the procedure laid down in Part 1 of Annex II; b) Submission of the dispute to the International Court of Justice. 4) If the parties to the dispute have not, in accordance with paragraph 3 above, accepted the same or any procedure, the dispute shall be submitted to conciliation in accordance with Part 2 of Annex II unless the parties otherwise agree.

- Annex I Part I
- Article 1: ...If the parties do not agree on the subject matter of the dispute before the President of the tribunal is designated, the arbitral tribunal shall determine the subject matter.
- Article 4: The arbitral tribunal shall render its decisions in accordance with the provisions of this Convention, any protocols concerned, and international law.
- Article 6: The arbitral tribunal may, at the request of one of the parties, recommend essential interim measures of protection.
- Article 13: If one of the parties to the dispute does not appear before the arbitral tribunal or fails to defend its case, the other party may request the tribunal to continue the proceedings and to make its award. Absence of a party or a failure of a party to defend its case shall not constitute a bar to the proceedings. Before rendering its final decision, the arbitral tribunal must satisfy itself that the claim is well founded in fact and law.
- Article 16: The award shall be binding on the parties to the dispute. It shall be without appeal unless the parties to the dispute have agreed in advance to an appellate procedure.

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| <i>Convention on International Trade in Endangered Species of Wild Fauna and Flora (1973)</i> | In Force: 07.01.1975 U.S. ratified | Threats: 3, 22 |
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- Preamble: ...wild fauna and flora...are irreplaceable part of the natural systems...which must be protected for this and generations to come; international cooperation is essential for the protection
- Article II (fundamental principles): 1. Include all species threatened with extinction which are or may be affected by trade. Trade in specimens...must be subject to...strict regulation ...must only be authorized in exceptional circumstances.
- Article III (Regulations of Trade in Specimens of Species Included in Appendix I) :2. The export of any specimen of a species included in Appendix I shall require the prior grant and presentation of an export permit. Conditions for export permit: a Scientific Authority of the State of export has advised that such export will not be detrimental to the survival; a Management Authority of the State of export (MASE) satisfied that the specimen was not obtained in contravention of the Law of that State; a MASE is satisfied that any living specimen will be so prepared and shipped as to minimize the risk of injury, damage to health or cruel treatment

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| <i>Convention on the Protection and Use of Transboundary Watercourses and International Lakes (1992)</i> | In force: 10.06.1996 Open to State members of the ECE | Threats: 8, 13, 14 |
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- Preamble: The Parties of this Convention, Mindful that the protection and use of transboundary watercourses and international lakes are important and urgent tasks, the effective accomplishment of which can only be ensured by enhanced co-operation, Concerned over the existence and threat of adverse effects, in the short or long term, of changes in the conditions of transboundary watercourses and international lakes on the environment, economies and well-being of the member countries of the Economic Commission for Europe (ECE), Emphasizing the need for strengthened national and international measures to prevent, control and reduce the release of hazardous substances into the aquatic environment and to abate eutrophication and acidification, as well as pollution of the marine environment, in particular coastal areas, from land-based sources., Commending the efforts already undertaken by the ECE Governments to strengthen co-operation, on bilateral and multilateral levels, for the prevention, control and reduction of transboundary

pollution, sustainable water management, conservation of water resources and environmental protection, ...

- Article 1: DEFINITIONS: “Transboundary waters” means any surface or ground waters which mark, cross or are located on boundaries between two or more states; wherever transboundary waters flow directly into the sea, these transboundary waters end at a straight line across their respective mouths between points on the low-water line of their banks; 2. “Transboundary impact” means any significant adverse effect on the environment resulting from a change in the conditions of transboundary waters caused by a human activity, the physical origin of which is situated wholly or in part within an area under the jurisdiction of a Party, within an area under the jurisdiction of another party. Such effects on the environment includes effects on human health and safety, flora, fauna, soil, air, water, climate, landscape and historical monuments or other physical structures on the cultural heritage or socio-economic conditions resulting from alterations to those factors.
- Article 2: GENERAL PROVISIONS: 1. The Parties shall take all appropriate measures to prevent, control and reduce any transboundary impact; 2. Parties shall , in particular, take all appropriate measures; a) To prevent, control and reduce pollution of waters causing or likely to cause transboundary impact; b) To ensure that transboundary waters are used with the aim of ecologically sound and rational water management, conservation of water resources and environmental protection; c) to ensure that transboundary waters are used in a reasonable and equitable way, taking into particular account their transboundary character, in the case of activities which cause or are likely to cause transboundary impact;...5. In taking the measures referred to in paragraphs 1 and 2 of the article, shall be guided by the following principles:...b) The polluter-pays principle, by virtue of which costs of pollution prevention, control and reduction measure shall be borne by the polluter;...6. The Riparian Parties shall co-operate on the basis of equality and reciprocity, in particular through bilateral and multilateral agreements, in order to develop harmonized policies, programmes and strategies covering the relevant catchment areas, or parts thereof, aimed at the prevention, control and reduction of transboundary impact and aimed at the protection of the environment of transboundary waters or the environment influenced by such waters, including the marine environment.
- Article 5: RESEARCH AND DEVELOPMENT: The Parties shall so-operate in the conduct of research into and development of effective techniques for the prevention, control and reduction of transboundary impact. To this effect, the Parties shall, on a bilateral and/or multilateral basis, taking into account research activities pursued in relevant international forums, endeavour to initiate or intensify specific research programmes, where necessary, aimed, inter alia at:...
- Article 7: RESPONSIBILITY AND LIABILITY: The Parties shall support appropriate international efforts to elaborate rules, criteria and procedures in the field of responsibility and liability.
- Article 10: CONSULTATIONS: Consultations shall be held between the Riparian Parties on the basis of reciprocity, good faith and good-neighbourliness, at the request of any such party. Such consultations of this Convention. Any such consultations shall be conducted through a joint body established under Article 9 of this Convention, where one exists.
- Article 23: SETTLEMENTS OF DISPUTES: 1. If a dispute arises between two or more Parties about the interpretation or application of this Convention, they shall seek a solution by negotiation or by any other means of dispute settlement acceptable to the parties to the dispute; 2. When signing, ratifying, accepting, approving or acceding to this Convention, or at any time thereafter, a Party may declare in writing to the Depositary that, for a dispute not resolved in accordance with paragraph 1 of this article, it accepts one or both of the following means of dispute settlement as compulsory in relations to any Party accepting the same obligation: a) Submission of the dispute to the International Court of Justice.

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| <i>United Nations Convention on the Law of the Sea (1982)</i> | In Force: 11.16.1994 160 & EC (U.S. voluntarily adheres) | Threats: 4, 5, 8, 10, 16, 22, 24, 28, 30, 31 |
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PART II: TERRITORIAL SEA AND CONTIGUOUS ZONE

- Article 2: 1) The sovereignty of a coastal State extends, beyond its land territory and internal waters and, in the case of an archipelagic State, its archipelagic waters, to an adjacent belt of sea, described as the territorial sea. 2) This sovereignty extends to the air space over the territorial sea as well as to its bed and subsoil. 3) The sovereignty over the territorial sea is exercised subject to this Convention and to other rules of international law.
- Article 3: Every State has the right to establish the breadth of its territorial sea up to a limit not exceeding 12 nautical miles, measured from baselines determined in accordance with this Convention.
- Article 4: The outer limit of the territorial sea is the line every point of which is at a distance from the nearest point of the baseline equal to the breadth of the territorial sea.
- Article 5: Except where otherwise provided in this Convention, the normal baseline for measuring the breadth of the territorial sea is the low-water line along the coast as marked on large-scale charts officially recognized by the coastal State.
- Article 6: In the case of islands situated on atolls or of islands having fringing reefs, the baseline for measuring the breadth of the territorial sea is the seaward low-water line of the reef, as shown by the appropriate symbol on charts officially recognized by the coastal State.
- Article 8: 1) Except as provided in Part IV, waters on the landward side of the baseline of the territorial sea form part of the internal waters of the State. 2) Where the establishment of a straight baseline in accordance with the method set forth in article 7 has the effect of enclosing as internal waters areas which had not previously been considered as such, a right of innocent passage as provided in this Convention shall exist in those waters.
- Article 17: Subject to this Convention, ships of all States, whether coastal or land-locked, enjoy the right of innocent passage through the territorial sea.
- Article 21: 1) The coastal State may adopt laws and regulations, in conformity with the provisions of this Convention and other rules of international law, relating to innocent passage through the territorial sea, in respect of all or any of the following: (a) the safety of navigation and the regulation of maritime traffic; (b) the protection of navigational aids and facilities and other facilities or installations; (c) the protection of cables and pipelines; (d) the conservation of the living resources of the sea; (e) the prevention of infringement of the fisheries laws and regulations of the coastal State; (f) the preservation of the environment of the coastal State and the prevention, reduction and control of pollution thereof; (g) marine scientific research and hydrographic surveys; (h) the prevention of infringement of the customs, fiscal, immigration or sanitary laws and regulations of the coastal State. 2) Such laws and regulations shall not apply to the design, construction, manning or equipment of foreign ships unless they are giving effect to generally accepted international rules or standards. 3) The coastal State shall give due publicity to all such laws and regulations. 4) Foreign ships exercising the right of innocent passage through the territorial sea shall comply with all such laws and regulations and all generally accepted international regulations relating to the prevention of collisions at sea.
- Article 32: With such exceptions as are contained in subsection A and in articles 30 and 31, nothing in this Convention affects the immunities of warships and other government ships operated for non-commercial purposes.
- Article 33: 1) In a zone contiguous to its territorial sea..., the coastal State may exercise the control necessary to: (a) prevent infringement of its customs, fiscal, immigration or sanitary laws and regulations within its territory or territorial sea; (b) punish infringement of the above laws and regulations committed within its territory or territorial sea. 2) The contiguous zone may not extend beyond 24 nautical miles from the baselines from which the breadth of the territorial sea is measured.

- Article 56: State has: a) sovereign rights for the purpose of exploring and exploiting, conserving and managing the natural resources, whether living or non-living, of the waters superjacent to the sea-bed and of the sea-bed and its subsoil, and with regard to other activities for the economic exploitation and exploration of the zone, such as the production of energy from the water, currents and winds; b) jurisdiction as provided for in the relevant provisions of this Convention with regard to: i) the establishment and use of artificial islands, installations and structures; ii) marine scientific research; iii) the protection and preservation of the marine environment; c) other rights and duties provided for in this Convention. 2) In exercising its rights and performing its duties under this Convention in the exclusive economic zone, the coastal State shall have due regard to the rights and duties of other States and shall act in a manner compatible with the provisions of this Convention.
- Article 135: Neither this Part nor any rights granted or exercised pursuant thereto shall affect the legal status of the waters superjacent to the Area or that of the air space above those waters.

PART XII: PROTECTION AND PRESERVATION OF THE MARINE ENVIRONMENT

- Article 192: States have the obligation to protect and preserve the marine environment.
- Article 193: States have the sovereign right to exploit their natural resources pursuant to their environmental policies and in accordance with their duty to protect and preserve the marine environment.
- Article 194: 1. States shall take..., all measures consistent with this Convention that are necessary to prevent, reduce and control pollution of the marine environment from any source, using for this purpose the best practicable means at their disposal and in accordance with their capabilities, and they shall endeavor to harmonize their policies in this connection. 2) States shall take all measures necessary to ensure that activities under their jurisdiction or control are so conducted as not to cause damage by pollution to other States and their environment, and that pollution arising from incidents or activities under their jurisdiction or control does not spread beyond the areas where they exercise sovereign rights in accordance with this Convention operation...4) In taking measures to prevent, reduce or control pollution of the marine environment, States shall refrain from unjustifiable interference with activities carried out by other States in the exercise of their rights and in pursuance of their duties in conformity with this Convention. 5) The measures taken in accordance with this Part shall include those necessary to protect and preserve rare or fragile ecosystems as well as the habitat of depleted, threatened or endangered species and other forms of marine life.
- Article 195: in taking measures to prevent, reduce and control pollution of the marine environment, States shall act so as not to transfer...damage or hazards from one area to another or transform one type of pollution into another.
- Article 196: 1. States shall take all measures necessary to prevent, reduce and control pollution of the marine environment resulting from the use of technologies under their jurisdiction or control, or the intentional or accidental introduction of species, alien or new, to a particular part of the marine environment, which may cause significant and harmful changes thereto.

SECTION 2. GLOBAL AND REGIONAL CO-OPERATION

- Article 198: When a State becomes aware of cases in which the marine environment is in imminent danger of being damaged or has been damaged by pollution, it shall immediately notify other States it deems likely to be affected by such damage, as well as the competent international organizations.
- Article 199: In the cases referred to in article 198, States in the area affected, in accordance with their capabilities, and the competent international

PART XV: SETTLEMENT OF DISPUTES

- Article 279: States Parties shall settle any dispute between them concerning the interpretation or application of this Convention by peaceful means in accordance with Article 2, paragraph 3, of the Charter of the United Nations and, to this end, shall seek a solution by the means indicated in Article 33, paragraph 1, of the Charter.
- Article 280: Nothing in this Part impairs the right of any States Parties to agree at any time to settle a dispute between them concerning the interpretation or application of this Convention by any peaceful means of their own choice.

- Article 281: 1. If the States Parties which are parties to a dispute concerning the interpretation or application of this Convention have agreed to seek settlement of the dispute by a peaceful means of their own choice, the procedures provided for in this Part apply only where no settlement has been reached by recourse to such means and the agreement between the parties does not exclude any further procedure. 2) If the parties have also agreed on a time limit, paragraph 1 applies only upon the expiration of that time limit.
- Article 282: If the States Parties which are parties to a dispute concerning the interpretation or application of this Convention have agreed, through a general, regional or bilateral agreement or otherwise, that such dispute shall, at the request of any party to the dispute, be submitted to a procedure that entails a binding decision, that procedure shall apply in lieu of the procedures provided for in this Part, unless the parties to the dispute otherwise agree.
- Article 283: 1. When a dispute arises between States Parties concerning the interpretation or application of this Convention, the parties to the dispute shall proceed expeditiously to an exchange of views regarding its settlement by negotiation or other peaceful means. 2) The parties shall also proceed expeditiously to an exchange of views where a procedure for the settlement of such a dispute has been terminated without a settlement or where a settlement has been reached and the circumstances require consultation regarding the manner of implementing the settlement.
- Article 284: 1. A State Party which is a party to a dispute concerning the interpretation or application of this Convention may invite the other party or parties to submit the dispute to conciliation in accordance with the procedure under Annex V, section 1, or another conciliation procedure. 2. If the invitation is accepted and if the parties agree upon the conciliation procedure to be applied, any party may submit the dispute to that procedure. 3. If the invitation is not accepted or the parties do not agree upon the procedure, the conciliation proceedings shall be deemed to be terminated. 4. Unless the parties otherwise agree, when a dispute has been submitted to conciliation, the proceedings may be terminated only in accordance with the agreed conciliation procedure.

SECTION 2. COMPULSORY PROCEDURES ENTAILING BINDING DECISIONS

- Article 286: Subject to section 3, any dispute concerning the interpretation or application of this Convention shall, where no settlement has been reached by recourse to section 1, be submitted at the request of any party to the dispute to the court or tribunal having jurisdiction under this section.
- Article 287: 1. When signing, ratifying or acceding to this Convention or at any time thereafter, a State shall be free to choose, by means of a written declaration, one or more of the following means for the settlement of disputes concerning the interpretation or application of this Convention: (a) the International Tribunal for the Law of the Sea established in accordance with Annex VI; (b) the International Court of Justice; (c) an arbitral tribunal constituted in accordance with Annex VII; (d) a special arbitral tribunal constituted in accordance with Annex VIII for one or more of the categories of disputes specified therein. 2. A declaration made under paragraph 1 shall not affect or be affected by the obligation of a State Party to accept the jurisdiction of the Sea-Bed Disputes Chamber of the International Tribunal for the Law of the Sea to the extent and in the manner provided for in Part XI, section 5. 3. A State Party, which is a party to a dispute not covered by a declaration in force, shall be deemed to have accepted arbitration in accordance with Annex VII. . If the parties to a dispute have accepted the same procedure for the settlement of the dispute, it may be submitted only to that procedure, unless the parties otherwise agree. 5. If the parties to a dispute have not accepted the same procedure for the settlement of the dispute, it may be submitted only to arbitration in accordance with Annex VII, unless the parties otherwise agree. 6. A declaration made under paragraph 1 shall remain in force until three months after notice of revocation has been deposited with the Secretary-General of the United Nations. 7. A new declaration, a notice of revocation or the expiry of a declaration does not in any way affect proceedings pending before a court or tribunal having jurisdiction under this article, unless the parties otherwise agree. 8. Declarations and notices referred to in this article shall be deposited with the Secretary-General of the United Nations, who shall transmit copies thereof to the States Parties.

- Article 288: . 1) A court or tribunal referred to in article 287 shall have jurisdiction over any dispute concerning the interpretation or application of this... 2. A court or tribunal referred to in article 287 shall also have jurisdiction over any dispute concerning the interpretation or application of an international agreement related to the purposes of this Convention... 3. The Sea-Bed Disputes Chamber of the International Tribunal for the Law of the..., and any other chamber or arbitral tribunal referred to in Part XI, section 5, shall have jurisdiction in any matter... 4. In the event of a dispute as to whether a court or tribunal has jurisdiction, the matter shall be settled by decision of that court or tribunal.
- Article 290: 1. If a dispute has been duly submitted to a court or tribunal which considers that *prima facie* it has jurisdiction under this Part or Part XI, section 5, the court or tribunal may prescribe any provisional measures which it considers appropriate under the circumstances to preserve the respective rights of the parties to the dispute or to prevent serious harm to the marine environment, pending the final decision. 2. Provisional measures may be modified or revoked as soon as the circumstances justifying them have changed or ceased to exist. 3. Provisional measures may be prescribed, modified or revoked under this article only at the request of a party to the dispute and after the parties have been given an opportunity to be heard. 4. The court or tribunal shall forthwith give notice to the parties to the dispute, and to such other States Parties as it considers appropriate, of the prescription, modification or revocation of provisional measures. 5. Pending the constitution of an arbitral tribunal to which a dispute is being submitted under this section, any court or tribunal agreed upon by the parties or, failing such agreement within two weeks from the date of the request for provisional measures, the International Tribunal for the Law of the Sea or, with respect to activities in the Area, the Sea-Bed Disputes Chamber, may prescribe, modify or revoke provisional measures in accordance with this article if it considers that *prima facie* the tribunal which is to be constituted would have jurisdiction and that the urgency of the situation so requires. Once constituted, the tribunal to which the dispute has been submitted may modify, revoke or affirm those provisional measures, acting in conformity with paragraphs 1 to 4. 6. The parties to the dispute shall comply promptly with any provisional measures prescribed under this article.
- Article 291: 1. All the dispute settlement procedures specified in this Part shall be open to States Parties. 2. The dispute settlement procedures specified in this Part shall be open to entities other than States Parties only as specifically provided for in this Convention.
- Article 293: 1. A court or tribunal having jurisdiction under this section shall apply this Convention and other rules of international law not incompatible with this Convention. 2. Paragraph 1 does not prejudice the power of the court or tribunal having jurisdiction under this section to decide a case *ex aequo et bono*, if the parties so agree.
- Article 294: 1. A court or tribunal provided for in article 287 to which an application is made in respect of a dispute referred to in article 297 shall determine at the request of a party, or may determine *proprio motu*, whether the claim constitutes an abuse of legal process or whether *prima facie* it is well founded. If the court or tribunal determines that the claim constitutes an abuse of legal process or is *prima facie* unfounded, it shall take no further action in the case. 3. Nothing in this article affects the right of any party to a dispute to make preliminary objections in accordance with the applicable rules of procedure.
- Article 295: Any dispute between States Parties concerning the interpretation or application of this Convention may be submitted to the procedures provided for in this section only after local remedies have been exhausted where this is required by international law.
- Article 296: 1. Any decision rendered by a court or tribunal having jurisdiction under this section shall be final and shall be complied with by all the parties to the dispute. 2. Any such decision shall have no binding force except between the parties and in respect of that particular dispute.

SECTION 3. LIMITATIONS AND EXCEPTIONS TO APPLICABILITY OF SECTION 2

- Article 297: 1. Disputes concerning the interpretation or application of this Convention with regard to the exercise by a coastal State of its sovereign rights or jurisdiction provided for in this Convention shall be subject to the procedures provided for in section 2 in the following cases: (a) when it is alleged that a coastal State has acted in contravention of the provisions of this

Convention in regard to the freedoms and rights of navigation, overflight or the laying of submarine cables and pipelines, or in regard to other internationally lawful uses of the sea specified in article 58; (b) when it is alleged that a State in exercising the aforementioned freedoms, rights or uses has acted in contravention of this Convention or of laws or regulations adopted by the coastal State in conformity with this Convention and other rules of international law not incompatible with this Convention; or (c) when it is alleged that a coastal State has acted in contravention of specified international rules and standards for the protection and preservation of the marine environment which are applicable to the coastal State and which have been established by this Convention or through a competent international organization or diplomatic conference in accordance with this Convention. 2) (a) Disputes concerning the interpretation or application of the provisions of this Convention with regard to marine scientific research shall be settled in accordance with section 2, except that the coastal State shall not be obliged to accept the submission to such settlement of any dispute arising out of: (i) the exercise by the coastal State of a right or discretion in accordance with article 246, or (ii) a decision by the coastal State to order suspension or cessation of a research project in accordance with article 253. (b) A dispute arising from an allegation by the researching State that with respect to a specific project the coastal State is not exercising its rights under articles 246 and 253 in a manner compatible with this Convention shall be submitted, at the request of either party, to conciliation under Annex V, section 2, provided that the conciliation commission shall not call in question the exercise by the coastal State of its discretion to designate specific areas as referred to in article 246, paragraph 6, or of its discretion to withhold consent in accordance with article 246, paragraph 5. 3) (a) Disputes concerning the interpretation or application of the provisions of this Convention with regard to fisheries shall be settled in accordance with section 2, except that the coastal State shall not be obliged to accept the submission to such settlement of any dispute relating to its sovereign rights with respect to the living resources in the exclusive economic zone or their exercise, including its discretionary powers for determining the allowable catch, its harvesting capacity, the allocation of surpluses to other States and the terms and conditions established in its conservation and management laws and regulations. (b) Where no settlement has been reached by recourse to section 1 of this Part, a dispute shall be submitted to conciliation under Annex V, section 2, at the request of any party to the dispute, when it is alleged that: (i) a coastal State has manifestly failed to comply with its obligations to ensure through proper conservation and management measures that the maintenance of the living resources in the exclusive economic zone is not seriously endangered; (ii) a coastal State has arbitrarily refused to determine, at the request of another State, the allowable catch and its capacity to harvest living resources with respect to stocks which that other State is interested in fishing, or (iii) a coastal State has arbitrarily refused to allocate to any State, under articles 62, 69 and 70 and under the terms and conditions established by the coastal State consistent with this Convention, the whole or part of the surplus it has declared to exist. c) In no case shall the conciliation commission substitute its discretion for that of the coastal State. (d) The report of the conciliation commission shall be communicated to the appropriate international organizations. (e) In negotiating agreements pursuant to articles 69 and 70, States Parties, unless they otherwise agree, shall include a clause on measures which they shall take in order to minimize the possibility of a disagreement concerning the interpretation or application of the agreement, and on how they should proceed if a disagreement nevertheless arises.

- Article 298: Optional exceptions to applicability of section 2: 1. When signing, ratifying or acceding to this Convention or at any time thereafter, a State may, without prejudice to the obligations arising under section 1, declare in writing that it does not accept any one or more of the procedures provided for in section 2 with respect to one or more of the following categories of disputes: (a) (i) disputes concerning the interpretation or application of articles 15, 74 and 83 relating to sea boundary delimitations, or those involving historic bays or titles, provided that a State having made such a declaration shall, when such a dispute arises subsequent to the entry into force of this Convention and where no agreement within a reasonable period of time is reached in negotiations between the parties, at the request of any party to the dispute, accept submission of the matter to conciliation under Annex V, section 2; and provided further that any dispute that

necessarily involves the concurrent consideration of any unsettled dispute concerning sovereignty or other rights over continental or insular land territory shall be excluded from such submission; (ii) after the conciliation commission has presented its report, which shall state the reasons on which it is based, the parties shall negotiate an agreement on the basis of that report; if these negotiations do not result in an agreement, the parties shall, by mutual consent, submit the question to one of the procedures provided for in section 2, unless the parties otherwise agree; (iii) this subparagraph does not apply to any sea boundary dispute finally settled by an arrangement between the parties, or to any such dispute which is to be settled in accordance with a bilateral or multilateral agreement binding upon those parties; (b) disputes concerning military activities, including military activities by government vessels and aircraft engaged in non-commercial service, and disputes concerning law enforcement activities in regard to the exercise of sovereign rights or jurisdiction excluded from the jurisdiction of a court or tribunal under article 297, paragraph 2 or 3; (c) disputes in respect of which the Security Council of the United Nations is exercising the functions assigned to it by the Charter of the United Nations, unless the Security Council decides to remove the matter from its agenda or calls upon the parties to settle it by the means provided for in this Convention.

2. A State Party which has made a declaration under paragraph 1 may at any time withdraw it, or agree to submit a dispute excluded by such declaration to any procedure specified in this Convention. 3. A State Party which has made a declaration under paragraph 1 shall not be entitled to submit any dispute falling within the excepted category of disputes to any procedure in this Convention as against another State Party, without the consent of that party. 4. If one of the States Parties has made a declaration under paragraph 1: (a), any other State Party may submit any dispute falling within an excepted category against the declarant party to the procedure specified in such declaration. 5. A new declaration, or the withdrawal of a declaration, does not in any way affect proceedings pending before a court or tribunal in accordance with this article, unless the parties otherwise agree. 6. Declarations and notices of withdrawal of declarations under this article shall be deposited with the Secretary-General of the United Nations, who shall transmit copies thereof to the States Parties.

- Article 299: 1. A dispute excluded under article 297 or excepted by a declaration made under article 298 from the dispute settlement procedures provided for in section 2 may be submitted to such procedures only by agreement of the parties to the dispute. 2. Nothing in this section impairs the right of the parties to the dispute to agree to some other procedure for the settlement of such dispute or to reach an amicable settlement

ANNEX V. CONCILIATION: SECTION 1. CONCILIATION PROCEDURE PURSUANT TO SECTION 1 OF PART XV

- Article 1: If the parties to a dispute have agreed, in accordance with article 284, to submit it to conciliation under this section, any such party may institute the proceedings by written notification addressed to the other party or parties to the dispute.
- Article 5: The commission may draw the attention of the parties to any measures which might facilitate an amicable settlement of the dispute.
- Article 6: The commission shall hear the parties, examine their claims and objections, and make proposals to the parties with a view to reaching an amicable settlement.
- Article 10: The parties to the dispute may by agreement applicable solely to that dispute modify any provision of this Annex.

SECTION 2. COMPULSORY SUBMISSION TO CONCILIATION PROCEDURE PURSUANT TO SECTION 3 OF PART XV

- Article 11: 1. Any party to a dispute which, in accordance with Part XV, section 3, may be submitted to conciliation under this section, may institute the proceedings by written notification addressed to the other party or parties to the dispute. 2. Any party to the dispute, notified under paragraph 1, shall be obliged to submit to such proceedings.
- Article 12: The failure of a party or parties to the dispute to reply to notification of institution of proceedings or to submit to such proceedings shall not constitute a bar to the proceedings.

ANNEX VI. STATUTE OF THE INTERNATIONAL TRIBUNAL FOR THE LAW OF THE SEA SECTION 1:

- Article 2: 2. In the Tribunal as a whole the representation of the principal legal systems of the world and equitable geographical distribution shall be assured.
- Article 21: The jurisdiction of the Tribunal comprises all disputes and all applications submitted to it in accordance with this Convention and all matters specifically provided for in any other agreement which confers jurisdiction on the Tribunal.
- Article 22: If all the parties to a treaty or convention already in force and concerning the subject-matter covered by this Convention so agree, any disputes concerning the interpretation or application of such treaty or convention may, in accordance with such agreement, be submitted to the Tribunal.
- Article 28: When one of the parties does not appear before the Tribunal or fails to defend its case, the other party may request the Tribunal to continue the proceedings and make its decision. Absence of a party or failure of a party to defend its case shall not constitute a bar to the proceedings. Before making its decision, the Tribunal must satisfy itself not only that it has jurisdiction over the dispute, but also that the claim is well founded in fact and law.
- Article 31: 1. Should a State Party consider that it has an interest of a legal nature which may be affected by the decision in any dispute, it may submit a request to the Tribunal to be permitted to intervene. 2. It shall be for the Tribunal to decide upon this request. 3. If a request to intervene is granted, the decision of the Tribunal in respect of the dispute shall be binding upon the intervening State Party in so far as it relates to matters in respect of which that State Party intervened.
- Article 33: 1. The decision of the Tribunal is final and shall be complied with by all the parties to the dispute. 2. The decision shall have no binding force except between the parties in respect of that particular dispute. 3. In the event of dispute as to the meaning or scope of the decision, the Tribunal shall construe it upon the request of any party.

ANNEX VII. ARBITRATION

- Article 9: If one of the parties to the dispute does not appear before the arbitral tribunal or fails to defend its case, the other party may request the tribunal to continue the proceedings and to make its award. Absence of a party or failure of a party to defend its case shall not constitute a bar to the proceedings.
- Article 11: The award shall be final and without appeal, unless the parties to the dispute have agreed in advance to an appellate procedure. It shall be complied with by the parties to the dispute.
- Article 12: 1. Any controversy which may arise between the parties to the dispute as regards the interpretation or manner of implementation of the award may be submitted by either party for decision to the arbitral tribunal which made the award. 2. Any such controversy may be submitted to another court or tribunal under article 287 by agreement of all the parties to the dispute.

ANNEX VIII. SPECIAL ARBITRATION:

- Article 1: Subject to Part XV, any party to a dispute concerning the interpretation or application of the articles of this Convention relating to (1) fisheries, (2) protection and preservation of the marine environment, (3) marine scientific research, or (4) navigation, including pollution from vessels and by dumping may submit the dispute to the special arbitral procedure provided for in this Annex ...
- Article 5: 1. The parties to a dispute concerning the interpretation or application of the provisions of this Convention relating to (1) fisheries, (2) protection and preservation of the marine environment, (3) marine scientific research, or (4) navigation, including pollution from vessels and by dumping, may at any time agree to request a special arbitral tribunal constituted in accordance with article 3 of this Annex to carry out an inquiry and establish the facts giving rise to the dispute. 2. Unless the parties otherwise agree, the findings of fact of the special arbitral tribunal acting in accordance with paragraph 1, shall be considered as conclusive as between the parties. 3. If all the parties to the dispute so request, the special arbitral tribunal may formulate recommendations which, without having the force of a decision, shall only constitute the basis for a review by the parties of the questions giving rise to the dispute.

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| <i>Convention on the High Seas (1958)</i> | In Force: 09.30.1962 U.S. ratified | Threats: 13, 24 |
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- Article 2: The high seas being open to all nations, no State may validly purport to subject any part of them to its sovereignty. Freedom of the high seas is exercised under the conditions laid down by these articles and by the other rules of international law. It comprises, inter alia, both for coastal and non-coastal States: 1) Freedom of navigation; 2) Freedom of fishing; 3) Freedom to lay submarine cables and pipelines; 4) Freedom to fly over the high seas. These freedom, and others which are recognised by the general principles of international law, shall be exercised by all States with reasonable regard to the interests of other States in their exercise of the freedom of the high seas.
- Article 3: 1) In order to enjoy the freedom of the seas on equal terms with coastal States, States having no sea-coast should have free access to the sea... a) To the State having no sea-coast, on a basis of reciprocity, free transit through their territory; and b) To ships flying the flag of that State treatment equal to that accorded to their own ships, or to the ships of any other States, as regards access to seaports and the use of such ports.
- Article 4: Every State, whether coastal or not, has the right to sail ships under its flag on the high seas.
- Article 6: 1) Ships shall sail under the flag of one State only and, save in exceptional cases expressly provided for in international treaties or in these articles, shall be subject to its exclusive jurisdiction on the high seas. A ship may not change its flag during a voyage or while in a port of call, save in the case of a real transfer of ownership or change of registry. 2) A ship which sails under the flags of two or more States,..., may not claim any of the nationalities in question with respect to any other State, and may be assimilated to a ship without nationality.
- Article 7: The provisions of the preceding articles do not prejudice the question of ships employed on the official service of an inter-governmental organization flying the flag of the organization.
- Article 8: 1) Warships on the high seas have complete immunity from the jurisdiction of any State other than the flag State.
- Article 9: Ships owned or operated by a State and used only on government noncommercial service shall, on the high seas, have complete immunity from the jurisdiction of any State other than the flag State.
- Article 11: 1) In the event of a collision or of any other incident of navigation concerning a ship on the high seas, involving the penal or disciplinary responsibility of the master or of any other person in the service of the ship, no penal or disciplinary proceedings may be instituted against such persons except before the judicial or administrative authorities either of the flag State or of the State of which such person is a national. 2) In disciplinary matters, the State which has issued a master's certificate or a certificate of competence or license shall alone be competent, after due legal process, to pronounce the withdrawal of such certificates, even if the holder is not a national of the State which issued them. 3) No arrest or detention of the ship, even as a measure of investigation, shall be ordered by any authorities other than those of the flag State.
- Article 24: Every State shall draw up regulations to prevent pollution of the sea by the discharge of oil from ships or pipelines are resulting from the exploitation of the seabed and its subsoil...
- Article 25: Every state shall take measures to prevent pollution of the sea from the dumping of radio-active waste, taking into account any standards and regulations which may be formulated by the competent international organisations. 2) All States shall co-operate with the competent international organisation in taking measures for the prevention of pollution of the seas or air space above, resulting from any activities with radio-active materials or other harmful agents.
- Article 30: The provisions of this Convention shall not affect conventions or other international agreements already in force, as between States Parties to them.

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| <i>Convention on Fishing and Conservation of the Living Resources of the High Seas (1958)</i> | In Force: 03.20.1966 U.S. ratified | Threats: 12, 21, 22, 24, 30 |
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- Preamble: ...has exposed some of these resources to the danger of being exploited,
- Article 1: all states have the right for their nationals to engage in fishing on the high seas, subject a) to their treaty obligations, b) to the interests and rights of coastal States as provided for in this Convention, and c) to the provisions contained in the following articles...
- Article 2: conservation programs should be formulated...to securing...first place a supply of food for human consumption.
- Article 3: for its own nationals, measures in that area when necessary for the purpose of the conservation of the living resources affected...
- Article 4: If the nationals of the two or more States are engaged in fishing...enter into negotiations with a view to prescribing by agreement for their nationals...
- Article 5: if, subsequent to the adoption of the measures referred to in articles 3 and 4,...the other states shall apply measures, which shall not be discriminatory...to their own nationals no later than seven months after the date on which the measures shall have been notified to the Director-General of the Food and Agricultural Organization of the United Nations.
- Article 6: 2) A coastal state is entitled to take part on an equal footing in any system of research and regulation...even though its nationals do not carry on fishing there. 3) A State whose nationals are engaged in fishing...adjacent to the territorial sea of a State shall, at the request of that coastal State, enter into negotiations with a view to prescribing by agreement the measures necessary for the conservation...
- Article 8: 1) Any state which, even if its nationals are not engaged in fishing in an area of the high seas not adjacent to its coast, has a special interest in the conservation...may request the State or States whose nationals are engaged in fishing there to take the necessary measures of conservation under Article 3 and 4
- Article 9: 1) Any dispute which may arise between States under article 4, 5, 6, 7, and 8 shall, at the request of parties, be submitted for settlement to a special commission of five members, unless the parties agrees to seek a solution by another method of peaceful settlement, as provided for in Article 33 (UN charter); 3) Any state party to proceeding...shall have the right to name one of its nationals to the special commission, with the right to participate fully...,but without the right to vote or take part in writing of the commission's decision; 7) Decisions ... shall be by majority vote.
- Article 11: The decisions of the special commission shall be binding on the States concerned and the provisions of paragraph 2 of Article 94 of the Charter of the United Nations shall be applicable to those decisions.
- Article 12: If the factual basis of the award of the special commission is altered by substantial change...any of the States concerned may request the other States to enter into negotiations...
- Article 13: the regulation of fisheries conducted by means of equipment embedded in the floor of the sea...may be undertaken by that State where such fisheries have long been maintained and conducted by its nationals, provided that non-nationals are permitted to participate...on an equal footing...except in areas where such fisheries have by long usage been exclusively enjoyed by such nationals. Such regulations will not, however, affect the general status of the areas as high seas.
- Article 14: ...term "nationals" means fishing boats or craft of any size having the nationality of the State concerned.

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| <i>Convention on Long-Range Transboundary Air Pollution (1979)</i> | In Force: 03.16.1983 U.S. ratified | Threats: 8, 20, 23 |
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- Preamble: "Considering the...provisions of the Declaration of the UN Conference on the Human Environment, and in particular principle 21, which expresses the common conviction that States have...the sovereign right to exploit their own resources pursuant to their own environmental

policies, and the responsibility to ensure that activities within their jurisdiction or control do not cause damage to the environment of other States or of areas beyond the limits of national jurisdiction.”

- Article 2: “The Contracting Parties...are determined to protect man and his environment against air pollution and shall endeavor to limit,...gradually reduce and prevent air pollution including long-range transboundary pollution.”
- Article 6: “...each Contracting Party undertakes to develop...air quality management systems, and...control measures compatible with balanced development, in particular by using the best available technology which is economically feasible and low-and non-waste technology.”

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| <i>Convention on Wetlands of International Importance Especially as Waterfowl Habitat (1971)</i> | In Force: 04.18.1987 U.S. ratified | Threats: 8, 19 |
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- Preamble: “Recognizing the interdependence of Man and his environment;...Desiring to stem the progressive encroachment on and loss of wetlands now and in the future;...Being Confident that the conservation of wetlands and their flora and fauna can be ensured by combining far-sighted national policies with coordinated international action;”
- Article 2, Number 6: “Each Contracting Party shall consider its international responsibilities for the conservation, management and wise use of migratory stocks of waterfowl, both when designating entries for the List and when exercising its right to change entries in the List relating to wetlands within its territory.”
- Article 3, Number 2: “Each Contracting Party shall arrange to be informed at the earliest possible time if the ecological character of any wetland in its territory and included in the List has changed, is changing or is likely to change as the result of technological developments, pollution or other human interference. Information on such changes shall be passed...to the organization or government responsible for the continuing bureau duties specified in Article 8 (International Union for Conservation of Nature and Natural resources shall perform the continued bureau duties).”
- Article 4: “Each Contracting Party shall...establish nature reserves on wetlands...and provide adequately for their warning.”
- Article 9: “Any member of the United Nations or of one of the Specialized Agencies or of the International Atomic Energy Agency or Party to the Statute of the International Court of Justice may become a Party to this Convention.”

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| <i>International Convention for the Prevention of Pollution of the Sea by Oil (1954 as Amended in 1962 and 1969)</i> | In Force: 12.08.1961 U.S. ratified | Threats: 10, 12, 31 |
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- Article II: 1) The present Convention shall apply to ships registered in any of the territories of a Contracting Government and to unregistered ships having the nationality of a Contracting Party, except: a) a tanker of under 150 tons gross tonnage and other ships of under 500 tons gross tonnage...b) ships...engaged in the whaling industry...; c) ships...navigating the Great Lakes of North American and their connecting and tributary waters as far east as the lower exit of St. Lambert Lock at Montreal...; d) naval ships and ships...used as naval auxiliaries.
- Article III: a) the discharge from a ship...applies, other than a tanker, of oil or oil mixture shall be prohibited except when the following conditions are all satisfied: I) the ship is proceeding en route; ii) the instantaneous rate of discharge of oil content does not exceed 60 liters per mile; iii) the oil content of the discharge is less than 100 parts per 1,000,000 parts of mixture; iv) the discharge is made as far as practicable from land. b) the discharge from a tanker to which the present Convention applies of oil or oily mixture shall be prohibited except when the following conditions are all satisfied: I) the tanker is proceeding en route; ii) the instantaneous rate of discharge of oil content does not exceed 60 liters per mile; iii) the total quantity of oil discharged on a ballast voyage does not exceed 1/15,000 of the total cargo-carrying capacity; iv) the tanker is more than 50

miles from the nearest land; c) the provisions of sub-paragraph (b) of this Article shall not apply to: i) the discharge of ballast from a cargo tank which, since the cargo was last carried therein, has been so cleaned that any effluent therefrom, if it were discharged from a stationary tanker into clean calm water on a clear day, would produce no visible traces of oil on the surface of the water; or ii) the discharge of oil or oily mixture from machinery space bilges, which shall be governed by the provisions of sub-paragraph (a) of this Article.

- Article IV: Article III shall not apply to: a) the discharge of oil or of oily mixture from a ship for the purpose of securing the safety of a ship, preventing damage to a ship or cargo, or saving life at sea; b) the escape of oil or of oily mixture resulting from damage to a ship or unavoidable leakage, if all reasonable precautions have been taken after the occurrence of the damage or discovery of the leakage for the purpose of preventing or minimizing the escape.
- Article V: Article III shall not apply to the discharge of oily mixture from the bilges of a ship during the period of twelve months following the date on which the present Convention comes into force for the relevant territory in accordance with paragraph (1) of Article II.
- Article VI: 1) Any contravention of Articles III and IX shall be an offense punishable under the law of the relevant territory in respect of the ship in accordance with paragraph (1) of Article II. 2) The penalties which may be imposed under the law of any of the territories of a Contracting Government in respect of the unlawful discharge from a ship of oil or oily mixture outside the territorial sea of that territory shall be adequate in severity to discourage any such unlawful discharge and shall not be less than the penalties which may be imposed under the law of that territory in respect of the same infringements within the territorial sea. 3) Each Contracting Government shall report to the Organization the penalties actually imposed for each infringement.
- Article X: 1) Any Contracting Government may furnish to the Government of the relevant territory in respect of the ship in accordance with paragraph (1) of Article II particulars in writing of evidence that any provision of the present Convention has been contravened in respect of that ship, wheresoever the alleged contravention may have taken place. If it is practicable to do so, the competent authorities of the former Government shall notify the master of the ship of the alleged contravention. 2) Upon receiving such particulars, the Government so informed shall investigate the matter, and may request the other Government to furnish further or better particulars of the alleged contravention. If the Government so informed is satisfied that sufficient evidence is available in the form required by its law to enable proceedings against the owner or master of the ship to be taken in respect of the alleged contravention, it shall cause such proceedings to be taken as soon as possible. The Government shall promptly inform the Government whose official has reported the alleged contravention, as well as the Organization, of the action taken as a consequence of the information communicated.
- Article XI: Nothing in the present Convention shall be construed as derogating from the powers of any Contracting Government to take measures within its jurisdiction in respect of any matter to which the Convention relates or as extending the jurisdiction of any Contracting Government.
- Article XIII: Any dispute between Contracting Governments relating to the interpretation or application of the present Convention which cannot be settled by negotiation shall be referred at the request of either party to the International Court of Justice for decision unless the parties in dispute agree to submit it to arbitration.
- Article XIX: 1) In case of war or other hostilities, a Contracting Government which considers that it is affected...may suspend the operation of the whole or any part of the present Convention in respect of all or any of its territories. The suspending Government shall immediately give notice of any such suspension to the Bureau.

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| <i>International Convention to Combat Desertification in Countries Experiencing Serious Drought and/or Desertification, Particularly in Africa (1994)</i> | In Force: 12.26.1996 U.S. not ratified | Threats: 10, 12, 13, 15, 18, 23 |
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- Preamble: Recognizing the validity and relevance of decisions adopted at the United Nations Conference on Environment and Development, particularly of Agenda 21 and its chapter 12..., Reaffirming...the commitments of developed countries as contained in paragraph 13 of chapter 33 of Agenda 21, Recalling General Assembly resolution 47/188,... Reaffirming the Rio Declaration on Environment and Development which states, in its Principle 2, that States have...the sovereign right to exploit their own resources pursuant to their environmental and developmental policies, and the responsibility to ensure that activities within their jurisdiction or control do not cause damage to the environment of other states or of areas beyond the limits of national jurisdiction.
- Part II Article 4: 2) In pursuing the objective of this Convention, the Parties shall: a) adopt an integrated approach addressing the physical, biological and socio-economic aspects of the processes of desertification and drought; b) give due attention, within the relevant international and regional bodies, to the situation of affected developing country Parties with regard to international trade, marketing arrangements and debt with a view to establishing an enabling international economic environment conducive to the promotion of sustainable development; c) integrate strategies for poverty eradication into efforts to combat desertification and mitigate the effects of drought; d) promote cooperation among affected country Parties...; e) strengthen subregional, regional and international cooperation; f) cooperate within relevant intergovernmental organizations; g) determine institutional mechanisms...; and h) promote the use of existing bilateral and multilateral financial mechanisms and... 3) Affected developing country Parties are eligible for assistance...
- Article 5:...Parties undertake to: a) give...priority to combating desertification and mitigating the effects of drought,...; b) establish strategies and priorities, within the framework of sustainable development plans and/or policies, to combat desertification and mitigate the effects of drought; c) address the underlying causes of desertification and pay special attention to the socio-economic factors contributing to desertification processes; d) promote awareness and facilitate the participation of local populations...; and e) provide an enabling environment by strengthening, as appropriate, relevant existing legislation and, where they do not exist, enacting new laws and establishing long-term policies and action programs.
- Article 6: In addition...developed country Parties undertake to: a) actively support,...the efforts of affected developing country Parties...; b) provide substantial financial resources and other forms of support to assist affected developing country Parties...; c) promote the mobilization of new and additional funding pursuant to article 20, paragraph 2 (b); d) encourage the mobilization of funding from the private sector and other non-governmental sources; and e) promote and facilitate access by affected country Parties, particularly affected developing country Parties, to appropriate technology, knowledge and know-how.
- Article 28: 1) Parties shall settle any dispute between them concerning the interpretation or application of the Convention through negotiation or other peaceful means of their own choice. 2) When ratifying, accepting, approving, or acceding to the Convention, or at any time thereafter, a Party which is not a regional economic integration organization may declare in a written instrument submitted to the Depositary that, in respect of any dispute concerning the interpretation or application of the Convention, it recognizes one or both of the following means of dispute settlement as compulsory in relation to any Party accepting the same obligation: a) arbitration in accordance with procedures adopted by the Conference of the Parties in an annex as soon as practicable; b) submission of the dispute to the International Court of Justice. 3) A Party which is a regional economic integration organization may make a declaration with like effect in relation to arbitration in accordance with the procedure referred to in paragraph 2 (a). 4) A declaration made pursuant to paragraph 2 shall remain in force until it expires in accordance with its terms or until three months after written notice of its revocation has been deposited with the Depositary. 5) The expiry of a declaration, a notice of revocation or a new declaration shall not in any way affect

proceedings pending before an arbitral tribunal or the International Court of Justice unless the Parties to the dispute otherwise agree. 6) If the Parties to a dispute have not accepted the same or any procedure pursuant to paragraph 2 and if they have not been able to settle their dispute within twelve months following notification by one Party to another that a dispute exists between them, the dispute shall be submitted to conciliation at the request of any Party to the dispute, in accordance with procedures adopted by the Conference of the Parties in an annex as soon as practicable.

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| <i>International Tropical Timber Agreement (1983)</i> | In Force: 04.01.1985 U.S. not ratified | Threats: 15, 17 |
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- Chapter 1 Article 1 (a) To provide an effective framework for cooperation and consultation between tropical timber producing and consuming members with regard to all relevant aspects of the tropical timber economy:
- Article 5: “having responsibilities in respect of the negotiation, conclusion and application of international agreements, in particular commodity agreements.”
- Article 14, 1. “The Council shall make whatever arrangements are appropriate for consultation or co-operation with the United Nations and its organs, such as the United Nations Conference on Trade and Development (UNCTAD),” (UNIDO), (UNEP), (UNDP), (FAO), and UNCTAD/GATT (ITC).
- Chapter VII Article 23: The Council shall examine all project proposals in the fields of research and development....[these] Research and development projects should relate to at least one of the following five areas: (a) Wood utilization, (b) Natural forest development, (c) Reforestation, (d) development, (e) Harvesting, (f) Institutional framework, national planning
- Article 24: Establishment of (b) Committee on Reforestation and Forest Management;
- Article 25: Function of the Committee: 2. “The Committee on Reforestation and Forest Management shall: (a) Keep under regular review the support and assistance being provided at a national and international level for reforestation management for the production of industrial; (b)Encourage the increase of technical assistance to national programs for reforestation and forest management; (c)Assess the requirements and identify all possible sources of financing for reforestation and forest management; (d)Review regular future needs of international trade...; (e)Facilitate transfer of knowledge...; Co-ordinate and harmonize these activities for co-operation in the field of reforestation and forest management with the relevant activities pursued elsewhere, such as those under FAO, UNEP, the World Bank, regional banks and other competent organizations.

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| <i>International Tropical Timber Agreement (1994)</i> | In Force: 01.01.1997 U.S. not ratified | Threats: 15, 17 |
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- Article 31: Any complaint that a member has failed to fulfill its obligations under this Agreement and any dispute concerning the interpretation or application of this Agreement shall be referred to the Council for decision. Decisions of the Council on these matters shall be final and binding.
- Article 32: 1) Members shall...use their best endeavours and cooperate to promote the attainment of its objectives and to avoid any action contrary thereto. 2) Members undertake to accept and carry out the decisions of the Council under the provisions of this Agreement and shall refrain from implementing measures which would have the effect of limiting or running counter to them.
- Article 33: 1) Where it is necessary on account of exceptional circumstances or emergency or force majeure not expressly provided for in this Agreement, the Council may, by special vote, relieve a member of an obligation under this Agreement if it is satisfied by an explanation from that member regarding the reasons why the obligation cannot be met. 2) The Council, in granting relief to a member under paragraph 1 of this article, shall state explicitly the terms and conditions on which, and the period for which, the member is relieved of such obligation, and the reasons for which the relief is granted.

- Article 34: 1) Developing importing members whose interests are adversely affected by measures taken under this Agreement may apply to the Council for appropriate differential and remedial measures. The Council shall consider taking appropriate measures in accordance with section III, paragraphs 3 and 4, of resolution 93 (IV) of the United Nations Conference on Trade and Development. 2) Members in the category of least developed countries as defined by the United Nations may apply to the Council for special measures in accordance with section III, paragraph 4, of resolution 93 (IV) and with paragraphs 56 and 57 of the Paris Declaration and Programme of Action for the Least Developed Countries for the 1990s.
- Article 36: Nothing in this Agreement authorizes the use of measures to restrict or ban international trade in, and in particular as they concern imports of and utilization of, timber and timber products.

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| <i>Protocol of 1978 Relating to the International Convention for the Prevention of Pollution from Ships 1973 (1978)</i> | In Force: 10.02.1983 U.S. not ratified | Threats: 10, 13, 22 |
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- Article VII (Denunciation): 1) The present Protocol may be denounced by any Party to the present Protocol at any time after the expire of five years from the date on which the Protocol enters into force for that Party
- International Convention for the Prevention of Pollution from Ships, 1973
- Preamble: recognizing that deliberate, negligent or accidental release of oil and other harmful substances from ships constitutes a serious source of pollution.
- Article 1 (General Obligation under the convention): constitutes at the same time a reference to its Protocol and to the Annexes.
- Article 3 (application): 2) shall be construed as derogating from or extending the sovereign rights of the Parties under international law over the sea-bed and subsoil thereof adjacent to their coasts for the purpose of exploration and exploitation of their natural resources. 3) Shall not apply to any warships, naval auxiliary or other ship owed or operated by a State and used, for the time being only on government non-commercial service...
- Article 4 (Violation): 1) ...violations...prohibited and sanctions shall be established therefor under the law of the Administration of the ship concerned wherever the violation occurs. 2) Whenever and violations occurs, the Party shall either: a) cause proceedings to be taken in accordance with its law; or b) furnish to the Administration of the ship such information and evidence as may be in its possessions that a violation has occurred. 4) The penalties specified under the law of a Party pursuant to the present Article shall be adequate in severity to discharge violations of the present Convention and shall be equally severe irrespective of where the violations occur.
- Article 5 (certificates and special rules on inspection of ships) 2). ...or if the ship does not carry a valid certificate the Party carrying out the inspection shall take such steps as will ensure that presenting an unreasonable threat of harm to the marine environment. 3) If a party denies a foreign ship entry...the Party shall immediately inform the consul or diplomatic representative of the Party whose flag the ship is entitled to fly, or if this is not possible, the Administration of the ship concerned.
- Article 6 (Detection of violation and enforcement of the Convention): 2) ...in any port or off-shore terminal of a Party, be subject to inspection by officers appointed or authorized by that Party for the purpose of verifying whether the discharged any harmful substances...
- Article 7 (Undue delay to ships): 2) when a ship is unduly detained or delayed under Article 4, 5, 6 of the present Convention, it shall be entitled to compensation for any loss or damage suffered.
- Article 9 (other treaties and interpretation): 1) upon its entry into force, the present Convention supersedes the International Convention for the Prevention of the Sea by Oil, 1954... 3) the term "jurisdiction" ...shall be construed in the light of international law in force at the time of application or interpretation of the present Convention.

- Article 10 (settlement of disputes) ...if the settlement by negotiation between the Parties involved has not been possible, and if these Parties do not otherwise agree, be submitted upon request of any of them to arbitration as set out in Protocol II.

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| <i>Protocol to the 1979 Convention on Long-Range Transboundary Air Pollution Concerning the Control of Emissions of Nitrogen Oxides or Their Transboundary Fluxes (1988)</i> | In Force: 2.14.1991 U.S. not ratified | Threats: 2, 20 |
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- Article 2: 1) the Parties shall...take effective measures to control and/or reduce their national annual emissions of nitrogen oxides or their transboundary fluxes so that these, at the latest by 31 December 1994, do not exceed their national annual emissions of nitrogen oxides or transboundary fluxes of such emissions for the calendar year 1987 or any previous year to be specified upon signature of, or accession to, the Protocol, provided that in addition, with respect to any Party specifying such a previous year, its national average annual transboundary fluxes or national average annual emissions of nitrogen oxides for the period from 1 January 1987 to 1 January 1996 do not exceed its transboundary fluxes or national emissions for the calendar year 1987. 2) ...the Parties...no later than two years after the date of entry into force...: a) apply national emissions standards to major new stationary sources and/or source categories, and to substantially modified stationary sources in major source categories, based on the best available technologies which are economically feasible, taking into consideration the Technical Annex; b) apply national emission standards to new mobile sources in all major source categories based on the best available technologies which are economically feasible, taking into consideration the Technical Annex and the relevant decisions taken within the framework of the Inland Transport Committee of the Commission; and c) Introduce pollution control measures for major existing stationary sources, taking into consideration the Technical Annex and the characteristics of the plant, its age and its rate of utilization and the need to avoid undue operational disruption. 3) a) The parties shall...no later than six months after the date of entry into force...reduce national annual emissions of nitrogen oxides or transboundary fluxes of such emissions... b) ...the Parties shall co-operate in order to establish: i) critical loads; ii) reductions in national annual emissions of nitrogen oxides or transboundary fluxes of such emissions as required to achieve agreed objectives based on critical loads;...
- Article 4: The Parties shall...make unleaded fuel sufficiently available...to facilitate the circulation of vehicles equipped with catalytic converters.
- Article 12: If a dispute arises between two or more Parties as to the interpretation or application of the present Protocol, they shall seek a solution by negotiation or by any other method of dispute settlement acceptable to the parties to the dispute.
- Article 13: 2) In matters within their competence, such regional economic integration organization shall...exercise the rights and fulfil the responsibilities which the present Protocol attributes to their member States. In such cases, the member States of these organizations shall not be entitled to exercise such right individually.

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| <i>The Antarctic Treaty (1959)</i> | In Force: 06.23.1961 US not ratified | Threats: 5 |
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- Preamble: ...it is in the interest of all mankind that Antarctica shall continue forever to be used exclusively for peaceful purpose and shall not become the scene or object of international discord;
- Article 1: 1) Antarctica shall be used for peaceful purpose only. There shall be prohibited, inter alia, any measure of a military nature, such as the establishment of military bases and fortifications the carrying out of military maneuvers, as well as testing of any types of weapons. 2) The...treaty shall not prevent the use of military personnel or equipment for scientific research or for any other peaceful purpose.

- Article IV: 1) Nothing contained in the present Treaty shall be interpreted as: a) a renunciation by an Contracting Party of previously asserted rights of or claims to territorial sovereignty in Antarctica; b) a renunciation or diminution by an Contracting Party of any basis of claim to territorial sovereignty in Antarctica which it may have whether as a result of its activities or those of its nationals in Antarctica...c) prejudicing the position...as regards its recognition or non-recognition of any other State's right of or claim or basis of claim to territorial sovereignty in Antarctica.
- Article V: Any nuclear explosions in Antarctica and the disposal there of radioactive waste material shall be prohibited.
- Article VI: The provisions...shall apply to the area south of 60° South Latitude, including all ice shelves, but nothing...shall prejudice or in any way affect the rights, or the exercise of the rights, of any State under international law with regard to the high seas within that area.
- Article VII: 1) in order to promote the objectives and ensure the observance of the provisions...each...representatives entitled to participate in the meetings...have the right to designate observers to carry out any inspection...2) each observer...shall have complete freedom to access at any time to any or all areas of Antarctica. 4) Aerial observation may be carried out at any time over any or all areas of Antarctica by any of the Contracting Parties...
- Article XI: 1) If any dispute arises between two or more...Parties concerning the interpretation or application of the present Treaty, those...Parties shall consult among themselves, with a view to having the dispute resolved by negotiation, inquiry, mediation, conciliation, arbitration, judicial settlement or other peaceful means of their own choice. 2) Any dispute of this character not resolved ...with the consent,...of all parties to the dispute, be referred to the International Court of Justice for settlement; but failure to reach agreement or reference to the International Court shall not absolve parties to the dispute from the responsibility of continuing to seek to resolve it by any of the various peaceful means referred to in paragraph 1 of this Article.

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| <i>Convention on Civil Liability for Damage Resulting from Activities Dangerous to the Environment (1993)</i> | Not in Force: Signed by nine European countries (none of them ratified) | Threats: 2, 3, 5, 8, 9, 22, 23, 28 |
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- Preamble: "...emissions released in one country may cause damage in another country and that...the problems of adequate compensation...are also of an international nature"
- Preamble: "Having noted Principle 13 of the 1992 Rio Declaration on Environment and Development, according to which "States shall develop national law regarding liability and compensation for the victims of pollution and other environmental damage; they shall also co-operate in an expeditious and more determined manner to develop further international law regarding liability and compensation for adverse effects of environmental damage caused by activities within their jurisdiction or control to areas beyond their jurisdiction."
- Article 2: Definitions: 10: "Environment includes: natural resources both biotic and biotic, such as air, water, soil, fauna and flora and the interaction between the same factors; property which forms part of the cultural heritage; and the characteristic aspect of the landscape."
- Article 6 and 7 (all) deals with Liability: : example: "If an incident consists of a continuous occurrence, all operators successively exercising the control of the dangerous activity during the occurrence shall be jointly and severally liable."
- Article 8: Exemptions: "(a) was caused by an act of war, hostilities, civil war, insurrection or a natural phenomenon of an exception, inevitable and irresistible character."
- Article 14: 1: "Any person shall, at his request and without his having to prove an interest, have access to information relating to the environment held by public authorities."
- Article 15: "On the same terms...as those set out in Article 14 any person shall have access to information relating to the environment held by bodies with public responsibilities for the environment and under the control of a public authority. Access shall be given via the competent public administration or directly by the bodies themselves."

- Article 18: Requests by Organizations: 1. “Any association or foundation which according to its statutes aims at the protection of the environment and which complies with any further conditions of international law of the Party where the request is submitted may request: a) the prohibition of a dangerous activity which is unlawful and poses a grave threat to the environment; b) that the operator be ordered to take measures to prevent an incident or damage; c) that the operator be ordered to take measures...to prevent damage;”
- Article 23: Recognition and Enforcement: 1. “Any decision given by a court with jurisdiction in accordance with Article 19 above where it is no longer subject to ordinary forms of review, shall be recognized in any Party...2. A decision which is enforceable in the Party of origin shall be enforceable in each Party as soon as the formalities required by that Party have been completed.
- Chapter VI: Standing Committee, Article 26: The Standing Committee: 1. “For the purposes of this Convention, a Standing Committee is hereby set up...7. The Standing Committee shall be convened by the Secretary General of the Council of Europe. It shall meet whenever one-third of the Parties or the Committee of Ministers of the Council of Europe so request.” Article 27-Functions of the Standing Committee: “The Standing Committee shall keep under review problems relating to this Convention...a) consider any question of a general nature referred to it concerning interpretation or implementation of the Convention. The Standing Committee’s conclusions concerning implementation of the Convention may take the form of a recommendation:”
- Article 34: Territories: 1. “Any Signatory may...specify the territory or territories to which this Convention shall apply.”

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| <i>International Convention on Oil Pollution Preparedness, Response and Co-operation (1990)</i> | In Force: 05.13.1995 U.S. ratified | Threats: 10 |
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- Preamble: Taking account of the “polluter pays” principle as a general principle of international environmental law, taking account also of the importance of international instruments or liability and compensation for oil pollution damage, including the 1969 International Convention on Civil Liability for Oil Pollution Damage (CLC); and the 1971 International Convention on the Establishment of an International Fund for Compensation for Oil Pollution Damage (FUND); ...
- Article 1: 1) Parties undertake, ... all appropriate measures ... to prepare for and respond to an oil pollution incident. 3) This Convention shall not apply to any warships, naval auxiliary or other ship owned or operated by a State and used, ... only on government non-commercial service. However, each party shall ensure by the adoption of appropriate measures not impairing the operations or...capabilities of such ships ... so far as is reasonable and practicable, with this Convention.
- Article 3: 1) a) Each Party shall require that ships...have on board a shipboard oil pollution emergency plan as required by ... the Organization (International Maritime Organization) 2) Each Party shall require that operators of offshore units...have oil pollution emergency plan, which are co-ordinated with the national system.... 3) Each Party shall require authorities ... in charge of such sea ports and oil handling facilities ... have oil pollution emergency plan or similar arrangements which are co-ordinated with the national system....
- Article 4: 1) a) ... require ... to report without delay any event on their ship or offshore unit involving a discharge or probable discharge of oil: I) ... ship, to the nearest coastal state; ii) ... offshore unit, to the coastal State to whose jurisdiction that unit is subject; b) require ... to report ... any observed event at the sea involving discharge of oil or the presence of oil: I) ... ship, nearest coast State; ii) ... offshore unit, to the coastal State to whose jurisdiction the unit is subject; c) require ... to report ... any event involving a discharge of oil or probable discharge of oil or the presence of oil to the competent national authority; d) instruct ... appropriate services ... to report ... any observed event at sea or at a sea port or oil handling facility involving discharge of oil or the presence ... to the competent authority or, ... to the nearest coastal State; e) request the pilots of civil aircraft to report ... observed event at sea involving discharge of oil or the presence ... to the coastal State.

- Article 5: 1) Whenever a Party receives a report ... it shall: a) assess the event to determine whether its is an oil pollution incident; b) assess the nature, extent and possible consequences of the oil pollution incident; and c) ... inform all States whose interests are affected or likely to be affected ... 3) When the severity of such oil pollution incident so justifies, other States affected by it are urged to inform the Organization ... or ... through regional organizations or arrangements of their assessment of the extent of the threat to their interests any action taken or intended. 4) Parties should use...reporting system developed by the Organization ... (annex ... contained in the Manual on Oil Pollution, section II - Contingency Planning, appendix 2....)
- Article 6: Each party shall establish a national system for responding promptly and effectively to oil pollution incidents. The system shall include a minimum: a) the designation of: i) ... competent national authority... ii) the national operational contact point... iii) an authority which is entitled to act on behalf of the State.... b) a national contingency plan ... which includes the organizational relationship of the various bodies involved ... taking into account guidelines developed by the Organization. 2) In addition, each Party ... shall establish: a) a minimum level of pre-positioned oil spill combating equipment; b) a program of exercise for oil pollution.... c) detailed plans of exercises for oil pollution.... d) a mechanism or arrangement to co-ordinate the response to an oil pollution incident....
- Article 11: Nothing in this Convention shall be construed as altering the rights or obligations of any Party under any other convention or international agreement.

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| <i>Convention on the Transboundary Effects of Industrial Accidents (1992)</i> | Not in force U.S. not ratified | Threats: 11, 20, 23 |
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- Preamble: ... the sovereign right to exploit their own resources pursuant to their own environmental policies, and the responsibility to ensure that activities within their jurisdiction or control do not cause damage to the environment of other States or of areas beyond the limits of national jurisdiction, Taking account of the polluter pays principle as a general principle of international environmental law, Underlining the principle of international law and custom, in particular the principles of good-neighborliness, reciprocity, non-discrimination and good faith,
- Article 2: 1) ... shall apply to the prevention of, preparedness for and response to industrial accidents capable of causing transboundary effects, including the effects of such accidents caused by natural disasters, and to international co-operation concerning mutual assistance, research and development, exchange of information and exchange of technology in the area of prevention of, preparedness for and response to industrial accidents. 2) ... shall not apply to: a) nuclear accidents or emergencies; b) accidents at military installations; c) dam failures, with the exception of the effects of industrial accidents caused by such failures; d) land-based transport accidents with the exception of: i) emergency response to such accidents; ii) transportation on the site of the hazardous activity; e) accidental release of genetically modified organism; f) accidents caused by activities in the marine environment including seabed exploration or exploitation; g) spills of oil or other harmful substances at sea.
- Article 3: 1) The Parties shall ... take ... measures ... to protect human beings and the environment against industrial accidents, ... by reducing their frequency and severity and by mitigating their effects. 2) The Parties shall ... develop and implement policies and strategies for reducing the risk of industrial accidents and improving preventive preparedness and response measures.... 3) The Parties shall ensure that operators is obliged to take all measures necessary for the safe performance of the hazardous activity and for the prevention of industrial accidents. 5) The provisions of this Convention shall not prejudice any obligations of the Parties under international law with regard to industrial accidents and hazardous activities.
- Article 4: 1) For the purpose of undertaking preventive measures and setting up preparedness measures, the Party of origin shall take measures...to identify hazardous activities within its jurisdiction and to ensure that affected Parties are notified of any such proposed or existing activity. 2) Parties concerned shall ... enter into discussions on the identification of those hazardous

activities ... capable of causing transboundary activity. If the Parties concerned do not agree...submit that question to an inquiry commission....

- Article 5: Parties concerned should ... enter into discussion on whether to treat an activity not covered by Annex I as a hazardous activity. Upon mutual agreement, they may use an advisory mechanism of their choice, or an inquiry commission in accordance with Annex II, to advise them.
- Article 7: the Party of origin shall ... seek the establishment of policies on the siting of new hazardous activities. ... the affected Parties shall seek the establishment of policies on significant developments in areas which could be affected by transboundary effects on an industrial accident arising out of a hazardous activity so as to minimize the risks involved.
- Article 8: 1) The Parties shall ... maintain ... emergency preparedness to respond to industrial accidents. In particular, the Parties concerned shall inform each other of their contingency plans. 2) The Parties of origin shall ensure ... preparation and implementation of on-site contingency plans, including ... measures for response and other measures to prevent and minimize transboundary effects.
- Article 9: 1) The Parties shall ensure that adequate information is given to the public in the areas capable of being affected by an industrial accident.... 2) The Party of origin shall ... give the public in the areas capable of being affected an opportunity to participate in relevant procedure.... 3) The Parties shall, in accordance with their legal systems and, if desired, on a reciprocal basis provide natural and legal persons who are being or are capable of being adversely affected by the transboundary effects of an industrial accident in the territory of a Party, with access to, and treatment in the relevant administrative and judicial proceedings, including the possibilities of starting a legal action and appealing a decision affecting their rights, equivalent to those available to persons within their own jurisdiction.
- Article 10: 1) The Parties shall ... provide for the establishment and operation of compatible and efficient industrial accident notification systems at appropriate levels. 2) In the event of an industrial accident, or imminent threat thereof, which causes or is capable of causing transboundary effects, the Party of origin shall ensure that affected Parties are without delay, notified at appropriate levels through the industrial accident notification systems.... 3) The Parties concerned shall ensure that ... the contingency plans prepared in accordance with Article 8 are activated as soon as possible and to the extent appropriate to the circumstances.
- Article 11: 1) The Parties shall ensure that ... adequate response measures are taken, ... to contain and minimize effects. 2) In the event of an industrial accident ... capable of causing transboundary effects, the parties concerned shall ensure that the effects are assessed ... for the purpose of taking adequate response measures. ...
- Article 17: 1) Each Party shall designate or establish one or more competent authorities for the purposes of this Convention. 2) Without prejudice to other arrangements at the bilateral or multilateral level, each Party shall designate or establish one point of contact for the purpose of industrial accident the purpose of mutual assistance pursuant to Article 12. 3) Each Party shall, within the three months of the date of entry into force of this Convention for that Party, inform the other Parties, through the secretariat referred to in Article 20, which body or bodies it has designated as its point(s) of contact and as its competent authority or authorities.
- Article 21: 1) If a dispute arises between two or more Parties about the interpretation or application of this Convention, they shall seek a solution by negotiation or by any other method of dispute settlement acceptable to the parties to the dispute. 2) When signing, ratifying, accepting, approving or acceding to this Convention, or at any time thereafter, a Party may declare in writing to the Depositary that, for a dispute not resolved in accordance with paragraph 1 of this Article, it accepts one or both of the following means of dispute settlement as compulsory in relation to any Party accepting the same obligation: a) submission of the dispute to the International Court of Justice; b) arbitration in accordance with the procedure set out in Annex XIII hereto. 3) If the parties to the dispute have accepted both means of dispute settlement referred to in paragraph 2 of this Article, the dispute may be submitted only to the International Court of Justice, unless the parties to the dispute agree otherwise.

- Article 22: 1) The provisions of this Convention shall not affect the rights or the obligations of Parties in accordance with their national laws, regulations, administrative provisions or accepted legal practices and applicable international regulations to protect information related to personal data, industrial and commercial secrecy, including intellectual property, or national security. 2) If a Party nevertheless decides to apply such protected information to another Party, this Party receiving such protected information shall respect the confidentiality of the information received and the conditions under which it is supplied, and shall only use that information for the purpose for which it was supplied.
- Annex XIII: 1) the claimant Party or Parties shall notify the secretariat that the Parties have agreed to submit the dispute to arbitration pursuant to Article 21, paragraph 2 of this Convention. The notification shall state the subject-matter of arbitration and include, in particular the Articles of this Convention, the interpretation or application of which is at issue. The secretariat shall forward the information received to all Parties to this Convention. 5) The arbitral tribunal shall render its decision in accordance with international law and in accordance with the provision of this Convention. 6) any arbitral tribunal constituted under the provisions set out herein shall draw up its own rules of procedure. 8) The tribunal may take all appropriate measure to establish the facts. 11) The arbitral tribunal may...recommend interim measures of protection. 12) If one of the parties to the dispute does not appear before the arbitral tribunal or fails to defend its case, the other party may request the tribunal or continue the proceedings and to render its final decision. Absence of a party or failure of a party to defend its case shall not constitute a bar to the proceedings and to render its final decision. Absence of a party or failure of a party to defend its case shall not constitute a bar to the proceedings. 13) The arbitral tribunal may hear and determine counter-claims arising directly out of the subject-matter of the dispute. 14) Unless the arbitral tribunal determines otherwise because of the particular circumstances of the case, the expenses of the tribunal, including the remuneration of its members, shall be borne equally by the parties to the dispute. The tribunal shall keep a record of all its expenses and shall furnish a final settlement thereof to the parties to the dispute. 15) Any Party to this Convention which has an interest of a legal nature in the subject-matter of the dispute and which may be affected by a decision in the case, may intervene in the proceedings with the consent of the tribunal. 16) The arbitral tribunal shall render its award within five months of the date on which it is established unless it finds it necessary to extend the time-limit for a period which should not exceed five months. 17) The award of the arbitral tribunal shall be accompanied by a statement of reasons. It shall be final and binding upon all parties to the dispute. The award will be transmitted by the arbitral tribunal to the parties to the dispute and to the secretariat. The secretariat will forward the information received to all Parties to this Convention. 18) Any dispute which may arise between the parties concerning the ... award may be submitted by either party to the arbitral tribunal which made the award or, if the latter cannot be seized thereof, to another tribunal constituted for this purpose in the same manner as the first.

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| <i>Convention for the Prevention of Marine Pollution from Land-Based Sources (1974)</i> | In Force: 06.05.1978 14 European countries and EC | Threats: 22 |
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- Article 1: 1) The Contracting Parties pledge themselves to take all possible steps to prevent pollution of the sea.... 2) The Contracting parties ... shall adopt ... measures to combat marine pollution from land-based sources....
- Article 2: the present convention shall apply to the maritime area within the following limits: a) those parts of the Atlantic and Arctic Oceans and the dependent seas which lie north of 36 deg. North latitude and between 42 deg. West longitude and 51 deg east longitude, but excluding: i) the Baltic Sea and Belts lying to the south and east of lines drawn from Hasenore Head to Griben Point, from Korshage to Spodsbjerg and from Gilbjerg Head to Kullen and ii) the Mediterranean Sea and its dependent seas as far as the point of intersection of the parallel of 36 deg. north latitude

and the meridian of 5 deg. 36' west longitude; (b) that part of the Atlantic Ocean north of 59 deg. north latitude and between 44 deg. west longitude and 42 deg. west longitude.

- Article 5: 1) The Contracting Parties undertake to adopt measures to forestall and...eliminate pollution of the maritime area from land-based sources by radioactive substances.... 2) Without prejudice to their obligations under other treaties and conventions, Contracting Parties shall: a) take full account of the recommendations of the appropriate international organisation and agencies; b) take account of the monitoring procedure recommended by international organisations and agencies; c) co-ordinate their monitoring and study of radioactive substances in accordance with Article 10 and 11....
- Article 9: 1)When pollution from land-based sources originating from the territory of a Contracting Party by substances not listed in Part I of Annex A to the present convention is likely to prejudice the interests of one or more of the other parties to the present convention, the Contracting Parties concerned undertake to enter into consultation, at the request of any one of them, with a view to negotiating a cooperation agreement. 2) At the request of any Contracting Party concerned, the Commission referred to in Article 15 of the present convention shall consider the question and may make recommendations with a view to reaching a satisfactory solution. 3) The special agreements specified in paragraph 1 of this Article may, among other things, define the areas to which they shall apply, the quality objectives to be achieved, and the methods for achieving these objectives including methods for the application of appropriate standards and the scientific and technical information to be collected. 4) The Contracting Parties signatory to these special agreements shall, through the medium of the Commission, inform the other Contracting Parties of their purport and of the progress made in putting them into effect.
- Article 12: 1) Each Contracting Party undertakes to ensure compliance with the provisions of this convention and to take in its territory appropriate measures to prevent and punish conduct in contravention of the provisions of the present Convention.
- Article 15: A Commission composed of representatives of each of the Contracting Parties is hereby established. The Commission shall meet at regular intervals and at any time when due to special circumstances its is so decided in accordance with its rules of procedure.
- Article 21: Any dispute between Contracting Parties relating to the interpretation or application of the present convention, which cannot be settled otherwise by the parties concerned, for instance by means of inquiry or conciliation within the Commission, shall, at the request of any of those parties, be submitted to arbitration under the conditions laid down in Annex B....
- Annex B Article 5: 1) The arbitral tribunal shall decide according to the rules of international law and, in particular, those of this convention. 2) Any arbitral tribunal constituted under the provisions of the Annex shall draw up its own rules of procedure.
- Annex Article 6: 2) The tribunal may take all appropriate measures in order to establish facts. It may, at the request of one of the parties, recommend essential interim measures of protection. 4) The parties to the dispute shall provide all facilities necessary for the effective conduct of the proceedings. 5) The absence or default of a party to the dispute shall not constitute impediment to the proceedings.
- Annex Article 6: 1) The award of the tribunal shall be accompanied by a statement of reason. It shall be final and binding upon the parties to the dispute.

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| <i>Vienna Convention for the Protection of the Ozone Layer (1985)</i> | In Force: 09.22.1988 U.S. ratified | Threats: 1, 8 |
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- Article 2: 1) The Parties shall take appropriate measures in accordance with the provisions of this Convention and of those protocols in force to which they are party to protect human health and the environment against adverse effects resulting or likely to result from human activities which modify or are likely to modify the ozone layer. 3) The provisions of this Convention shall in no way affect the right of Parties to adopt, in accordance with international law, domestic measures additional to those referred to in paragraphs 1 and 2 above, nor shall they affect additional domestic

measures already taken by a Party, provided that these measures are not incompatible with their obligations under this Convention.

- Article 11: 1) In the event of a dispute between Parties concerning the interpretation or application of this Convention, the parties concerned shall seek solution by negotiation. 2) If the parties concerned cannot reach agreement by negotiation, they may jointly seek the good offices of, or request mediation by, a third party. 3) When ratifying, accepting, approving or acceding to this Convention, or at any time thereafter, a State or regional economic integration organization may declare in writing to the Depositary that for a dispute not resolved in accordance with paragraph 1 or paragraph 2 above, it accepts one or both of the following means of dispute settlement as compulsory: a) Arbitration in accordance with procedures to be adopted by the Conference of the Parties at its first ordinary meeting; b) Submission of the dispute to the International Court of Justice. 4) If the parties have not, in accordance with paragraph 3 above, accepted the same or any procedure, the dispute shall be submitted to conciliation in accordance with paragraph 5 below unless the parties otherwise agree. 5) A conciliation commission shall be created upon the request of one of the parties to the dispute. The commission shall be composed of an equal number of members appointed by each party concerned and a chairman chosen jointly by the members appointed by each party. The commission shall render a final and recommendatory award, which the parties shall consider in good faith. 6) The provisions of this article shall apply with respect to any protocol except as otherwise provided in the protocol concerned.

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| <i>The Montreal Protocol on Substances That Deplete the Ozone Layer (1987)</i> | In Force: 01.01.1989 Adjustment: 03.07.'91 Amendment: 08.10.'92 U.S. ratified | Threats: 1, 8 |
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- Preamble: ... take appropriate measures to protect human health and the environment against adverse effects resulting or likely to result from human activities which modify or are likely to modify the ozone layer ... aware that measures taken to protect the ozone layer from depletion should be based on relevant scientific knowledge, taking into account technical and economic consideration
- Article 1 (Definition): definitions for “conventions,” “parties,” “secretariat,” “controlled substance,” “production,” “consumption,” “calculated levels,” and “industrial rationalization.”
- Article 2 (Control Measures): 5) any party not operating under paragraph 1 of Article 5 may, for one or more control periods, transfer to another such Party any portion of its calculated level of consumption set out in Article 2F, provided that the calculated level of consumption of controlled substances in Group 1 of Annex A of the Party transferring the portion of its calculated level of consumption did not exceed 0.25 KG per capita in 1989 and that the total combined calculated levels of consumption of the Parties concerned do not exceed the consumption limits set out in Article 2F. Such transfer of consumption shall be notified by each of the Parties concerned, stating the terms of such transfer and the period for which its is to apply.
- Article 2A: CFCs: 2) Each party shall ensure that for the period from 1 July 1991 to 31 December 1992 its calculated levels of consumption and production of the controlled substances in Groups 1 of Annex do not exceed over 150 per cent of its calculated levels of production and consumption of those substances in 1986; with effect from 1 January 1993, the 12-month control period for these controlled substances shall run from 1 January to 31 December each year. 3) Each party shall ensure that for the 12-month period commencing on 1 January 1994, and in each 12-month period thereafter, its calculated level of consumption of the controlled substance in Group 1 of Annex A does not exceed, annually, 25 per cent of its calculated level ... in 1986. Each party producing one or more of these substances, shall, for the same periods, ensure that its calculated level of production of the substances does not exceed, annually, 25 per cent of its calculated level of production in 1986. However, in order to satisfy the basic domestic needs of the Parties operating

under paragraph 1 of Article 5, its calculated level of production may exceed that limit by up to 10 per cent of its calculated level of production in 1986.

- Article 2B: Halons: 1) ...commencing on 1 January 1992, ... level of consumption ... does not exceed, annually, its calculated level of ... 1986. ... for the same periods, production ... does not exceed, ... level of ... 1986. However, ...to satisfy ... domestic needs ... production may exceed ...up to 10 per cent of its calculated level of ... 1986. 2)...and in each 12-month period thereafter, ...consumption ... does not exceed zero. Each Party producing one or more of these substances shall, for the same periods, ... not exceed zero. However,...to satisfy the basic domestic needs ... level of production may exceed ... up to 15 per cent of its calculated level ... in 1986.
- Article 2C: Other fully halogenated CFCs: 1... commencing on 1 January 1993, ... does not exceed ... 80 per cent ... level of ... 1989. ...for the same period, ...production does not exceed, ...80 per cent of ...1989. However, ...to satisfy domestic needs ... production may exceed ... up to 10 percent of ...1989. 2)...commencing on 1 January 1994, ...does not exceed, ...25 per cent of ...1989. Each party producing ... does not exceed, annually, 25 per cent of ... 1989.
- Article 2D: Carbon tetrachloride: ...Commencing 1 January 1995, ... consumption ... does not exceed ... 15 percent of 1989.... For the same period, ... production ... does not exceed 15 per cent of ... 1989. However, ... to satisfy ... domestic needs ... production may exceed ... up to 10 per cent....
- Article 2E: Trichlorethane (Methyl chloroform): 1) ... Commencing on 1 January 1993, ... consumption does not exceed ... calculated level of ... 1989. Each party producing ... ensure that ... production ... does not exceed, ... level of production in 1989. However, ... to satisfy ... domestic needs ... production may exceed ... up to 10 per cent ... of ... 1989. 2)... commencing on 1 January 1994, ... consumption does not exceed ... 50 per cent of its calculated level ... in 1989. ... ensure that ... production does not exceed ... 50 per cent ... of production in 1989. However, ... to satisfy the basic needs ... production may exceed ... up to 10 per cent ... of ... 1989. 3) ... commencing on 1 January 1996 ... consumption ... does not exceed zero. However, ... to satisfy ... domestic needs ... production may exceed ... up to 15 per cent of its calculated level of ... 1989.
- Article 2F: Hydrochlorofluorocarbons: 1)...commencing on 1 January 1996, ... consumption ... does not exceed, ... the sum of: a) 2.8 per cent of its calculated level ...in 1989 of the ... substances in Group I of Annex A; b) its calculated level of consumption in 1989 of the ... substances in Group I of Annex C. 2)... on 1 January 2004, ... consumption ... does not exceed, ... 65 per cent of the sum referred to in paragraph 1 of this Article. 3) ... on 1 January 2010, ... consumption ... does not exceed, ... 35 per cent of the sum.... 4)... on 1 January 2015, ... consumption ... does not exceed ... 10 per cent of the sum.... 5)... on 1 January 2020, ... consumption ... does not exceed 0.5 per cent of the sum.... 6)... on 1 January 2030, ... consumption ... does not exceed zero. 7) As of 1 January 1996, each Party shall endeavor to ensure that: a) the use of controlled substances in Group I of Annex C is limited to those applications where other more environmentally suitable alternative substances or technologies are not available; b) the use of controlled substances in Group I of Annex C is not outside the areas of application currently met by controlled substances in Annexes A, B and C, except in rare cases for the protection of human life or human health; and c) controlled substances in Group I of Annex C are not selected for use in a manner that minimizes ozone depletion, in addition to meeting other environmental, safety and economic considerations.
- Article 2G: Hydrobromofluorocarbons: ... commencing on 1 January 1996, ... consumption ... does not exceed zero. ... for the same period ... production ... does not exceed zero.
- Article 2H: 1) Methyl bromide:... commencing on 1 January 1995, ... consumption of the controlled substance in annex E does not exceed ... level of consumption in 1991. ...for the same period, ... production does not exceed ... level of production in 1991. However, ... to satisfy ... domestic needs ... level of production may exceed ... up to 10 per cent ...2) ...commencing on 1 January 1999, ... consumption ... does not exceed ... 75 per cent of its calculated level of consumption in 1991. ...for the same period, ... production ... does not exceed ... 75 per cent ... level of production in 1991. However, ... to satisfy ... domestic needs ... production may exceed

... up to 10 per cent of ... 1991. 3)... on 1 January 2003, ...consumption ... does not exceed ... 50 per cent...in 1991. ...for the same period ... production ... does not exceed ... 50 per cent ... in 1991. However, ... to satisfy ... domestic needs ... may exceed ... up to 10 per cent ... 1991. 4)... on 1 January 2003, ...consumption ... does not exceed ... 30 per cent... 1991. ...for the same period, ... production ... does not exceed ... 30 per cent ... level of 1991. However, ... to satisfy ... domestic needs ... production may exceed ... up to 10 per cent ... level of ... 1991. 5)... on 1 January 2005 ... consumption ... does not exceed zero. ... for the same period ... production does not exceed zero. However, ... to satisfy ... domestic needs ... may exceed ... up to 15 per cent of ... 1991. This paragraph will apply save to the extent that the Parties decide to permit the level of production or consumption that is necessary to satisfy the uses agreed by them to be critical use.

- Article 4 (Control trade with non-parties): 1)... each party shall ban the import of the controlled substances in Annex A from any State not party to this Protocol. A)... each Party shall ban the import of the controlled substance in Annex B from any State not party to this Protocol. B)...each Party shall ban the import of any import of any controlled substances in Group II of Annex C from any State not party to this Protocol. C)... each party shall ban import of the controlled substance in Annex E from any State not party to this Protocol. 2)... each Party shall ban the export of any controlled substances in Annex A to any State not party to this Protocol. a)... each party shall ban the export of any controlled substances in Annex B. b)... ban the export of any controlled substances in Group II of Annex C...c)... ban the export of the controlled substance in Annex E....
- Article 4A (control of trade with Parties) 1) ... ban the export of used, recycled and reclaimed quantities of that substance, other than for the purpose of destruction.
- Article 5 (Special situation of developing countries): 1) any party that is developing country and ... level of consumption of the controlled substances in Annex A is less than 0.3 KG per capita (p.c.) on the date of the entry into force of the Protocol for its, or anytime thereafter until 1 January 1999, shall, ... to meet its basic domestic needs, be entitled to delay for ten years its compliance with control measures set out in Article 2A to 2E... 2) However ... shall exceed neither an annual calculated level of consumption of the controlled substances in Annex A of 0.3 KG p.c. nor an annual calculated level of consumption of controlled substances of Annex B of 0.2 KG p.c. 3) a) ... under Annex A, either the average of its annual calculated level of consumption for the period 1995 to 1997 inclusive or a calculated level of consumption of 0.3 KG p.c., whichever is lower, ...b) ... under Annex B, 1998 to 2000 inclusive .. 0.2 KG p.c., whichever is lower.... c) .. under Annex A, either the average of its annual calculated level of production ... 1995 to 1997 inclusive or a calculated level of production of 0.3 KG p.c., ...d) ... under Annex B, ... 1998 to 2000 ... production of 0.2 KG p.c., whichever is lower.... 6) any party operating under paragraph 1 of this Article may ... notify the Secretariat in writing that ... it is unable to implement any or all of the obligations laid down in Article 2A to 2E ... due to the inadequate implementation of Article 10 and 10A. Secretariat shall ... transmit a copy of the notification to the parties, which shall consider the matter at their next Meeting, giving due recognition to paragraph 5 of this Article and shall decide upon appropriate action to be taken.
- Article 6: (Assessment and review of control measures) Beginning in 1990, and at least every four years thereafter, the Parties shall assess the control measures provided for in Article 2 and Articles 2A to 2H on the basis of available scientific, environmental, technical and economic information.

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| <i>United Nations Framework Convention on Climate Change (1992)</i> | In Force: 03.21.1994 U.S. ratified | Threats: 2, 8, 17 |
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- Noting that the largest share of historical and current global emissions of greenhouse gases has originated in developed countries, that per capita emissions in developing countries are still relatively low and that the share of global emissions originating in developing countries will grow to meet their social and development needs...
- ...in accordance with the Charter of the United Nations and the principle of international law, the sovereign right to exploit their own resources pursuant to their own environmental and

developmental policies, and the responsibility to ensure that activities within their jurisdiction or control do not cause damage to the environment of other States or of areas beyond the limits of national jurisdiction, Reaffirming the principle of sovereignty of States in international cooperation to address climate change, Recognizing that States should enact effective environmental legislation, that environmental standards, management objectives and priorities should reflect the environmental and developmental context to which they apply, and that standards applied by some countries may be inappropriate and of unwarranted economic and social cost to other countries...

- recognizing that various actions to address climate change can be justified economically in their own right and can also help in solving other environmental problems,
- recognizing the special difficulties of...developing countries, whose economies are particularly dependent on fossil fuel production, use and exportation, as a consequence of action taken on limiting greenhouse gas emissions
- Article 4: Obligations: develop, ... update, publish ... national inventories of anthropogenic emissions, b) formulate, implement, publish ... update national and ... regional programs.... c) promote and cooperate in the development, application and diffusion, including transfer, of technologies, practices and processes that control, reduce or prevent anthropogenic emission of greenhouse gases, d) promote sustainable management, and promote and cooperate in the conservation ..., e) cooperate in preparing for adaptation to the impacts of climate change; develop and elaborate appropriate and integrated plans ..., f) minimize effect of climate change, g) promote and cooperate in scientific, technological, technical, socio-economic and other research, h) promote ... open exchange, i) promote ... education, training and public awareness
- Article 4: 2) ... shall adopt national policies and take corresponding measures on the mitigation of climate change, by limiting its anthropogenic emissions of greenhouse gases and protecting and enhancing its greenhouse gas sinks and reservoirs. 3) The developed country Parties and other developed Parties...shall provide new and additional financial resources to meet the agreed full costs incurred by developing country Parties in complying with their obligation ... 4) The developed country Parties and other developed Parties...shall assist the developing country Parties that are particularly vulnerable to the adverse effects of climate change in meeting costs of adaptation to those adverse effects.
- Article 7: 2) The Conference of the Parties, as the supreme body of this Convention, shall keep under regular review the implementation of the Convention and any related legal instruments that the Conference of the Parties may adopt, and shall make, within its mandate, the decisions necessary to promote the effective implementation of the Convention.
- Article 14: 1) In the event of a dispute between any two or more Parties concerning the interpretation or application of the Convention, the Parties concerned shall seek a settlement of the dispute through negotiation or any other peaceful means of their own choice. 2) When ratifying, accepting, approving or acceding to the Convention, or at any time thereafter, a Party which is not a regional economic integration organization may declare in a written instrument submitted to the Depositary that, in respect of any dispute concerning the interpretation or application of the Convention, it recognizes as compulsory ipso facto and without special agreement, in relation to any Party accepting the same obligation: a) Submission of the dispute to the International Court of Justice, and/or b) Arbitration in accordance with procedures to be adopted by the Conference of the Parties as soon as practicable, in an annex on arbitration. A Party which is a regional economic integration organization may make a declaration with like effect in relation to arbitration in accordance with the procedures referred to in subparagraph (b) above. 4) A new declaration, a notice of revocation or the expiry of a declaration shall not in any way affect proceedings pending before the International Court of Justice or the arbitral tribunal, unless the parties to the dispute otherwise agree. 5) Subject to the operation of paragraph 2 above, if after twelve months following notification by one Party to another that a dispute exists between them, the Parties concerned have not been able to settle their dispute through the means mentioned in paragraph 1 above, the dispute shall be submitted, at the request of any of the parties to the dispute, to

conciliation. 6) A conciliation commission shall be created upon the request of one of the parties to the dispute. The commission shall render a recommendatory award, which the parties shall consider in good faith.

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| <i>Kyoto Protocol to the United Nations Framework Connection on Climate Change (1998)</i> | Not in Force: Adopted on 12.10.1997 U.S. not ratified | Threats: 2, 8, 17, 23 |
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- Article 2: Each Party included in Annex I, in achieving its qualified emission limitation and reduction commitments under Article 3...shall: a) implement and/or further elaborate policies and measures in accordance with its national circumstances, such as:
 - i) enhancement of energy efficiency
 - ii) protection and enhancement of sinks and reservoirs of greenhouse gases not controlled by the Montreal Protocol...;
 - iii) promotion of sustainable forms of agriculture...;
 - iv) research on, and promotion, development and increased use of, new and renewable forms of energy, of carbon dioxide sequestration technologies and of advanced and innovated environmentally sound technologies;
 - v) progressive reduction of phasing out of market imperfections, fiscal incentives, tax and duty exemptions and subsidies in all greenhouse gas emitting sectors...
 - vi) ...promoting policies and measures which limit or reduce emissions of greenhouse gases...
 - vii) measure to limit and/or reduce emissions of greenhouse gases...
 - viii) limitation and/or reduction of methane emissions through recovery and use in waste management.
- 2) ...shall pursue limitation or reduction of emissions of greenhouse gases not controlled by the Montreal Protocol from aviation and marine bunker fuels... 3) ...shall strive to implement policies and measures in such a way as to minimize adverse effects...especially developing country Parties and in particular those identified in Article 4...
- Article 3: ...shall...ensure that their aggregate anthropogenic carbon dioxide equivalent emissions of the greenhouse listed in Annex A do not exceed their assigned amounts, calculated pursuant to their quantified emission limitation and reduction commitments inscribed in Annex B and in accordance with the provision of this Article, with a view to reducing their overall emissions of such gases by at least 5 per cent below 1990 levels in the commitment period of 2008 to 2012. 2) Each Party included in Annex I shall, by 2005, have made demonstratable progress in achieving its commitments under this Protocol. (8% below emission levels for the EU, 7% for the US, 6% for Japan – see Annex B for details)
- ‘Emission targets include all six major greenhouse gases’ - see Annex A for the list
- ‘Activities that absorb carbon will offset against emission targets. Additionally, under an emission trading regime, countries or companies can purchase less expensive emission permits from countries that have more permits than they need’. (refer to Article 6)
- Clean Development Mechanism: ‘developed countries will be able to use certified emissions reduction from project activities in developing countries to contribute to their compliance with greenhouse gas reduction targets’. ‘Developing countries may ... voluntarily assume binding emission targets...’.
- Excludes military emission: 1) from “bunker” fuel, 2) from multilateral operation’...
- Although it addresses provisions and certain consequences if a country fails to comply, “effective procedures” and a mechanism to determine and address non-compliance were not decided.

SELECTED INTERNATIONAL ORGANIZATIONS RELEVANT TO ENVIRONMENTAL SECURITY

UNITED NATIONS CHARTER (*EMPHASIS ON THE SECURITY COUNCIL)

UNITED NATIONS DEVELOPMENT PROGRAM (UNDP)

UNITED NATIONS ENVIRONMENT PROGRAM (UNEP)

UNITED NATIONS EDUCATIONAL, SCIENTIFIC AND CULTURAL ORGANIZATION (UNESCO)

UNITED NATIONS POPULATION FUND (UNFPA)

UNITED NATIONS HIGH COMMISSIONER FOR REFUGEES (UNHCR)

WORLD BANK

ORGANIZATION FOR SECURITY AND COOPERATION IN EUROPE (CSCE)

WORLD FOOD PROGRAM

WORLD METEOROLOGICAL ORGANIZATION (WMO)

WORLD TRADE ORGANIZATION (WTO)

INTERNATIONAL FINANCE CORPORATION

ASSOCIATION OF SOUTH EAST NATIONS (ASEAN)

EUROPEAN ENVIRONMENT AGENCY (EEA)

FOOD AND AGRICULTURE ORGANIZATION OF THE UNITED NATIONS (FAO)

INTERNATIONAL ATOMIC ENERGY AGENCY (IAEA)

INTERNATIONAL LABOR ORGANIZATION (ILO)

NORTH ATLANTIC TREATY ORGANIZATION (NATO)

ORGANIZATION OF ECONOMIC COOPERATION AND DEVELOPMENT (OECD)

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| <i>United Nations Charter (*emphasis on the Security Council)</i> | http://www.un.org/aboutun/charter/ |
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Chapter 1

- Article 1: 1) to maintain international peace and security, and to that end: to take effective collective measures for the prevention and removal of threats to the peace, and for the suppression of acts of aggression or other breaches of the peace, and to bring about by peaceful means, and in conformity with the principle of justice and international law, adjustment or settlement of international disputes or situations which might lead to a breach of peace;
- Article 2: 1) the organization is based on the principle of the sovereign equality of all its Members. 2) All members, in order to ensure to all of them the rights and benefits resulting from membership shall fulfill in good faith the obligations assumed by them in accordance with the present Charter. 3) All members shall settle their international disputes by peaceful means in such a manner that international peace and security, and justice, are not endangered. 5) All members shall give the

United Nations every assistance in any action it takes in accordance with the present Charter, and shall refrain from giving assistance to any state against which the United Nations is taking preventive or enforcement action. 7) Nothing contained in the present Charter shall authorize the United Nations to intervene in matters which are essentially within the domestic jurisdiction of any state or shall require the Members to submit such matters to settlement under the present Charter; but this principle shall not prejudice the application of enforcement measures under Chapter VII.

Chapter V

- Article 24: 1) order to ensure prompt and effective action by the United Nations, its Members confer on the Security Council primary responsibility for the maintenance of international peace and security and agree that in carrying out its duties under the responsibility the Security Council acts on the behalf.
- Article 25: the members of the United Nations agree to accept and carry out the decisions of the Security Council in accordance with the present Charter

Chapter VI

- Article 33: 1) parties to any dispute, the continuance of which is likely to endanger the maintenance of international peace and security, shall, first of all, seek a solution by negotiation, inquiry, mediation, conciliation, arbitration, judicial settlement, resort to regional agencies or arrangements, or other peaceful means of their own choice. 2) the Security Council shall, when it deems necessary, call upon the parties to settle their dispute by such means.
- Article 34: the Security Council may investigate any dispute, or any situation which might lead to international friction or give rise to a dispute, in order to determine whether the continuance of the dispute or situation is likely to endanger the maintenance of international peace and security.
- Article 36: 1) The Security Council may ... recommend appropriate procedure or methods of adjustment.
- Article 37: 2) If the Security Council deems that the continuance of the dispute is in fact likely to endanger the maintenance of international peace and security, it shall decide whether to take action under Article 36 or to recommend such terms of settlement as it may consider appropriate.

Chapter VII

- Article 39: the Security Council shall determine the existence of any threat to the peace, breach of the peace, or act of aggression and shall make recommendations, or decide what measures shall be taken in accordance with Articles 41 and 42, to maintain or restore international peace and security.
- Article 41: the Security Council may decide what measures not involving the use of armed forces are to be employed give effect to its decisions, and it may call upon the Members of the United Nations to apply such measures. These may include complete or partial interruption of economic relations and of rail, sea, air, postal, telegraphic, radio, and other means of communication, and the severance of diplomatic relations.
- Article 42: Should the Security Council consider that measures provided for in Article 41 would be inadequate or have proved to be inadequate, it may take such action by air, sea, or land forces as may be necessary to maintain or restore international peace and security. Such action may include demonstrations, blockade, and other operations by air, sea,, or land forces of Members...
- Article 45: In order to enable the United Nations to take urgent military measures. Members shall hold immediately available national air-force contingents for combined international enforcement action....

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| <i>United Nations Development Program (UNDP)</i> | http://www.undp.org/ |
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- to strength international cooperation for sustainable human development and to serve as a major substantive resource on how to achieve it.

2688 (XXV) The Capacity of the United Nations development system

- Annex: II. 3) Country programming will be used as a means of achieving the most rational and efficient utilization of resources at the disposal of the Program for its activities in order to have the maximum impact on the economic and social development of the developing country concerned. 5) It is recognized that the Government of the country concerned has the exclusive responsibility for formulating its national development plan or priorities and objectives. 7) The country program, based on national development plans, priorities or objectives and on the indicative planning figures, will be formulated by the Government of the recipient country in co-operation, at an appropriate stage, with representatives of the United Nations system...

UNSO (Office to Combat Desertification and Drought)

- ... established in 1973 ... to address the problem of drought of Sahelian countries.
- helps to identify the root causes of desertification and to address the constraints and bottlenecks contributing to the problem.

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| <i>United Nations Environment Program (UNEP)</i> | http://www.unep.org/ |
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Conference on the Human Environment:

- Principle 21: States have the sovereign right to exploit their own resources pursuant to their environmental policies...and the responsibility to...ensure that their activities within their jurisdiction or control did not cause damage to the environment of other States or of areas beyond the limits of national jurisdiction.
- Principle 22: States were to co-operate to develop further the international law regarding liability and compensation for the victims of pollution and other environmental damage caused by activities within the jurisdiction or control of such states to areas beyond their jurisdiction.
- established by GA Res. 2997 (XXVII) to 'provide leadership and encourage partnership in caring for the environment by inspiring, informing and enabling nations and people to improve their quality of life without compromising that of future generations'.
- 'the role...is to be leading global environmental authority that sets the global environment agenda, promotes the coherent implementation of the governmental dimension of sustainable development within the UN system and serves as an authoritative advocate for the global environment'.

GA res. 2995 (XXVII) Co-operation between States in the field of environment

- Bearing in mind that, in exercising their sovereignty over their natural resources, States must seek, through effective bilateral and multilateral co-operation through regional machinery, to preserve and improve the environment; 1) Emphasizing that, in the exploration, exploitation and development of their natural resources, States must not produce significant harmful effects in zones situations outside their national jurisdiction; 2) recognizing that co-operation between States, in the field of the environment...will be effectively achieved if official and public knowledge is provided of the technical data relating to the work to be carried out by States within their national jurisdiction, with a view to avoiding significant harm that may occur...

GA res. 2997 (XXVII): Institutional and financial arrangements for international environmental co-operation.

- ... convinced of the need for prompt and effective implementation by Government and the international community of measures designed to safeguard and enhance the environment for the benefit of present and future generations of man, recognizing for action to protect and enhance the environment rests primarily with Government and...can be exercised more effectively at the national and regional levels, recognizing further that environmental problems of broad international significance fall within the competence of the United Nations system, bearing in mind that international co-operative programs...must be undertaken with due respect for the sovereign rights of States and in conformity with the Charter of the United Nations and principles of international law,

- I: 2) a. to promote international co-operation in the field of the environment and to recommend, as appropriate policies to this end; f) to maintain under continuing review the impact of national and international environmental policies and measures on developing countries, as well as the problem of additional costs that may be incurred by developing countries in the implementation of environmental programs and projects, and to ensure that such programs and projects shall be compatible with the development plans and priorities of those countries;

GA res. 27 and Agenda 21:

- 'to analyze the state of the global environment and assess global and regional...trends, provide policy advice, early warning information on environmental threats, and to catalyze and promote international cooperation and action...'
- 'to further the development of its international environmental law...'
- 'to advance the implementation of agreed international norms and policies, to monitor and foster compliance with environmental principle and international agreements and stimulate cooperative action to respond to emerging environmental challenges'.
- 'to strengthen its role in the coordination of environmental activities in the UN system..., as well as its role as an Implementing Agency of the Global Environment Facility, based on its comparative advantage and scientific and technical expertise'.
- 'to promote...awareness and facilitate...cooperation...involved in the implementation of the international environment agenda, and to serve as an effective link between the scientific community and policy makers...'
- 'to provide policy and advisory services in key areas of institution-building to governments and other relevant institutions'.

Secretariat of the UN Framework Convention on Climate Change (UNFCCC)

- 'to stabilize greenhouse gas concentrations in the atmosphere at a level that would prevent dangerous anthropogenic interference with the climate system...to allow ecosystems to adapt...to climate change, to ensure that food production is not threatened, and to enable economic development...'

Intergovernmental Panel on Climate Change (IPCC)

- jointly established by the UNEP and World Meteorological Organization 'assess the science, impacts and economics of climate change, and response options available to address it

Ozone Secretariat to the Vienna Convention for the Protection of the Ozone Layer and the Montreal Protocol on Substances that Deplete the Ozone Layer

Secretariat of the Convention on Biological Diversity

Secretariat of the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES)

- 'provides for international as well as national regulatory framework' for trade in endangered species.

Secretariat of the Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and their Disposal

- 'aims to reduce generation of hazardous wastes and to ensure that their movement and disposal are managed safely'.

Interim Secretariat of the UN Convention to Combat Desertification (CCD) in Countries Experiencing Serious Drought and/or Desertification, Especially in Africa:

- calls for integrated participate action programs supported by international action...'

Global Environment Facility (GEF)

- provides grants and concessional funding to countries, which promotes sustainable development and protects environment in the following four areas: climate change; biological diversity; international waters; and stratospheric ozone. (includes desertification and deforestation)

- GEF designated at the funding mechanism for the Convention on the Climate Change & Convention on Biological Diversity
- 156 countries are currently participant of GEF (as of 12.1997)

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| <i>United Nations Educational, Scientific and Cultural Organization (UNESCO)</i> | http://www.unesco.org/ |
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- Article XI: 1) This Organization may co-operate with other specialized inter-governmental organizations and agencies whose interests and activities are related to its purposes.
- Article XIV: 2) Any question or dispute concerning the interpretation of this Constitution shall be referred for determination to the International Court of Justice or to an arbitral tribunal, as the General Conference may determine under its Rules of Procedure.(1).

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| <i>United Nations Population Fund (UNFPA)</i> | www.unfpa.org/about/facts.htm www.unfpa.org/modules/popbkit97/sustain.htm |
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Mandate

1. To build the knowledge and the capacity to respond to needs in population and family planning;
2. To promote awareness in both developed and developing countries of population problems and possible strategies to deal with these problems;
3. To assist developing countries...with their problems in the forms and means best suited to the individual countries' need

Briefing Kit 97: Population and Sustainable Development

- In order to achieve economic and environmental goals, social goals-such as universal access to education, health care and economic opportunity-must be achieved.
- ...human impact on the environment is a function of population size, per capita consumption and the environment damage caused by the technology used to produce what is consumed.
- Removing the constraints on women's effectiveness as resource managers-through education, access to credit and land, and the enforcement of legal right-would, therefore, not only benefit women as individuals, but also contribute to the environmental and economic well-being of their families and communities.

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| <i>United Nations High Commissioner for Refugees (UNHCR)</i> | http://www.unhcr.org/ |
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Statute of the Office of the United Nations High Commissioner for Refugees

- Chapter II: 8) b. promoting through special agreements with governments the execution of any measures calculated to improve the situation of refugees and to reduce the number requiring protection; 9) The High Commissioner shall engage in such additional activities...within the limits of the resources placed at his disposal.

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| <i>World Bank</i> | http://www.worldbank.org/html/extdr/mission.htm http://wbln0018.worldbank.org/essd/geo.nsf/About+Us+View/What?OpenDocument http://wbln0018.worldbank.org/Institutional/Manuals/OpManual.nsf/tocall/9367A2A9D9DAEED38525672C007D0972?OpenDocument http://wbln0018.worldbank.org/Institutional/Manuals/OpManual.nsf/toc2/AF08A86290D2C3EF8525672C007D096B?OpenDocument |
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- Primary role is to assist countries alleviate poverty and attain their development goals in a sustainable manner. However, sustainable economic development is being threatened by a wide range of global environmental issues...

- To help people help themselves and their environment by providing resources, sharing knowledge, building capacity, and forging partnerships in the public and private sectors.
- Strategy for the environment: 1) Ensuring that its non-environmental projects “do no harm” to the environment by harnessing the environmental assessment process; 2) Providing targeted assistance to build in-country capacity for environmental management; 3) Developing new policy instruments and methodologies; and 4) Address global concern through GEF and Montreal Protocol.
- GEF funds defray the added costs of making planned projects environmentally friendly & finance regional approaches to multinational problems.

Operational Manual (Environmental Assessment)

- The Bank requires environmental assessment(EA) of projects proposed for Bank financing to help ensure that they are environmentally sound and sustainable, and thus to improve decision making.
- EA evaluates a project’s potential environmental risks and impacts in its area of influence; examines projects alternatives; identifies ways of improving project selection, siting, planning, design, and implementation by preventing, minimizing, mitigating, or compensating for adverse environmental impacts and enhancing positive impacts; and includes the process of mitigating and managing adverse environmental impacts through project implementation.
- EA takes into account the natural environment (air, water, and land); human health and safety; social aspects (involuntary resettlement, indigenous peoples, and cultural property); and transboundary and global environmental aspects. EA considers natural and social aspects in an integrated way. It also takes into account the variations in project and country conditions; the findings of country environmental studies; national environmental actions plans; the country’s overall policy framework; national legislation; and institutional capabilities related to the environment and social aspects; and obligations of the country, pertaining to project activities, under relevant international environmental treaties and agreements. The Bank does not finance project activities that would contravene such country obligations, as identified during the EA.
- The borrower is responsible for carrying out the EA.
- The Bank advises the borrower on the Bank’s EA requirements. The Bank reviews the findings and recommendations of the EA to determine whether they provide an adequate basis for processing the project for Bank financing. When the borrower has completed or partially completed EA work prior to the Bank’s involvement in a project, the Bank reviews the EA to ensure its consistency with this policy.
- The Bank undertakes environmental screening of each proposed project to determine the appropriate extent and type of EA. The Bank classifies the proposed project into one of four categories, depending on the type, location, sensitivity, and scale of the project and the nature and magnitude of its potential environmental impacts.
- 13. The policy set out in OP 4.01 normally applies to emergency recovery projects processed under OP 8.50, Emergency Recovery Assistance. However, when compliance with any requirement of this policy would prevent the effective and timely achievement of the objectives of an emergency recovery project, the Bank may exempt the project from such a requirement. The justification for any such exemption is recorded in the loan documents. In all cases, however, the Bank requires at a minimum that (a) the extent to which the emergency was precipitated or exacerbated by inappropriate environmental practices be determined as part of the preparation of such projects, and (b) any necessary corrective measures be built into either the emergency project or a future lending operation.
- For all Category A and B projects proposed for IBRD or IDA financing, during the EA process, the borrower consults project-affected groups and local nongovernmental organizations (NGOs) about the project’s environmental aspects and takes their views into account.¹⁹ The borrower initiates such consultations as early as possible. For Category A projects, the borrower consults these groups at least twice: (a) shortly after environmental screening and before the terms of reference for the EA are finalized; and (b) once a draft EA report is prepared. In addition, the borrower consults with such groups throughout project implementation as necessary to address EA-related issues that affect them.

The Economic and Environmental Dimension

- Although the OSCE is not an economic organization, it operates on the premise that economic and environmental solidarity and co-operation can contribute to peace, prosperity and stability.

Helsinki Final Act (1975)

- Recognizing the close link between peace and security in Europe and in the world as a whole and conscious of the need for each of them to make its contribution to the strengthening of world peace and security and to the promotion of fundamental rights, economic and social progress and well-being for all peoples;
- A) Declaration on Principles Guiding Relations between Participating States: the participating states, reaffirming their commitment to peace, security and justice and the continuing development of friendly relations and co-operation;
- I. Sovereign equality, respect for the rights inherent in sovereignty: the participating States will respect each other's sovereign equality and individuality as well as all the rights inherent in and encompassed by its sovereignty, including in particular the right of every State to juridical equality, to territorial integrity and to freedom and political independence. They will also respect each other's right freely to choose and develop its political, social, economic and cultural systems as well as its right to determine its law and regulations. ...all the participating States have equal rights and duties. They will respect each other's right to define and conduct as it wishes its relations with other States in accordance with international law and in the spirit of the present Declaration. They consider that their frontiers can be changed, in accordance with international law, by peaceful means and by agreement. They also have the right to belong or not to belong to international organizations, to be or not to be a party to bilateral or multilateral treaties including the right to be or not to be a party to treaties of alliance; they also have the right to neutrality.
- II. Refraining from the threat or use of force: The participating States will refrain in their mutual relations, as well as in their international relations in general, from the threat or use of force against the territorial integrity or political independence of any State, or in any other manner inconsistent with the purposes of the United Nations and with the present Declaration. No consideration may be invoked to serve to warrant resort to the threat or use of force in contravention of this principle. Accordingly, the participating States will refrain from any acts constituting a threat of force or direct or indirect use of force against another participating State. Likewise they will refrain from any manifestation of force for the purpose of inducing another participating State to renounce the full exercise of its sovereign rights. Likewise they will also refrain in their mutual relations from any act of reprisal by force. No such threat or use of force will be employed as a means of settling disputes, or questions likely to give rise to disputes, between them.
- III. Inviolability of frontiers: The participating States regard as inviolable all one another's frontiers as well as the frontiers of all States in Europe and therefore they will refrain now and in the future from assaulting these frontiers. Accordingly, they will also refrain from any demand for, or act of, seizure and usurpation of part or all of the territory of any participating State.
- IV. Territorial integrity of States: The participating States will respect the territorial integrity of each of the participating States. Accordingly, they will refrain from any action inconsistent with the purposes and principles of the Charter of the United Nations against the territorial integrity, political independence or the unity of any participating State, and in particular from any such action constituting a threat or use of force. The participating States will likewise refrain from making each other's territory the object of military occupation or other direct or indirect measures of force in contravention of international law, or the object of acquisition by means of such measures or the threat of them. No such occupation or acquisition will be recognized as legal.

- V. Peaceful settlement of disputes: The participating States will settle disputes among them by peaceful means in such a manner as not to endanger international peace and security, and justice. They will endeavour in good faith and a spirit of cooperation to reach a rapid and equitable solution on the basis of international law. For this purpose they will use such means as negotiation, enquiry, mediation, conciliation, arbitration, judicial settlement or other peaceful means of their own choice including any settlement procedure agreed to in advance of disputes to which they are parties. In the event of failure to reach a solution by any of the above peaceful means, the parties to a dispute will continue to seek a mutually agreed way to settle the dispute peacefully. Participating States, parties to a dispute among them, as well as other participating States, will refrain from any action which might aggravate the situation to such a degree as to endanger the maintenance of international peace and security and thereby make a peaceful settlement of the dispute more difficult.
- VI. Non-intervention in internal affairs: The participating States will refrain from any intervention, direct or indirect, individual or collective, in the internal or external affairs falling within the domestic jurisdiction of another participating State, regardless of their mutual relations. They will accordingly refrain from any form of armed intervention or threat of such intervention against another participating State. They will likewise in all circumstances refrain from any other act of military, or of political, economic or other coercion designed to subordinate to their own interest the exercise by another participating State of the rights inherent in its sovereignty and thus to secure advantages of any kind. Accordingly, they will, inter alia, refrain from direct or indirect assistance to terrorist activities, or to subversive or other activities directed towards the violent overthrow of the regime of another participating State.
- VII. Respect for human rights and fundamental freedoms, including the freedom of thought, conscience, religion or belief: They will promote and encourage the effective exercise of civil, political, economic, social, cultural and other rights and freedoms all of which derive from the inherent dignity of the human person and are essential for his free and full development. The participating States on whose territory national minorities exist will respect the right of persons belonging to such minorities to equality before the law, will afford them the full opportunity for the actual enjoyment of human rights and fundamental freedoms and will, in this manner, protect their legitimate interests in this sphere. They confirm the right of the individual to know and act upon his rights and duties in this field.
- VIII. Equal rights and self-determination of peoples: The participating States will respect the equal rights of peoples and their right to self-determination, acting at all times in conformity with the purposes and principles of the Charter of the United Nations and with the relevant norms of international law, including those relating to territorial integrity of States. The participating States reaffirm the universal significance of respect for and effective exercise of equal rights and self-determination of peoples for the development of friendly relations among themselves as among all States; they also recall the importance of the elimination of any form of violation of this principle.
- X. Fulfilment in good faith of obligations under international law: The participating States will fulfil in good faith their obligations under international law, both those obligations arising from the generally recognized principles and rules of international law and those obligations arising from treaties or other agreements, in conformity with international law, to which they are parties. In exercising their sovereign rights, including the right to determine their laws and regulations, they will conform with their legal obligations under international law; they will furthermore pay due regard to and implement the provisions in the Final Act of the Conference on Security and Cooperation in Europe. To give effect and expression, by all the ways and forms which they consider appropriate, to the duty to refrain from the threat or use of force in their relations with one another. To refrain from any use of armed forces inconsistent with the purposes and principles of the Charter of the United Nations and the provisions of the Declaration on Principles Guiding Relations between Participating States, against another participating State, in particular from invasion of or attack on its territory. To refrain from any manifestation of force for the purpose of inducing another participating State to renounce the full exercise of its sovereign rights. To refrain

from any act of economic coercion designed to subordinate to their own interest the exercise by another participating State of the rights inherent in its sovereignty and thus to secure advantages of any kind. To take effective measures which by their scope and by their nature constitute steps towards the ultimate achievement of general and complete disarmament under strict and effective international control. To promote, by all means which each of them considers appropriate, a climate of confidence and respect among peoples consonant with their duty to refrain from propaganda for wars of aggression or for any threat or use of force inconsistent with the purposes of the United Nations and with the Declaration on Principles Guiding Relations between Participating States, against another participating State. To make every effort to settle exclusively by peaceful means any dispute between them, the continuance of which is likely to endanger the maintenance of international peace and security in Europe, and to seek, first of all, a solution through the peaceful means set forth in Article 33 of the United Nations Charter. To refrain from any action which could hinder the peaceful settlement of disputes between the participating States. Convinced that the peaceful settlement of disputes is a complement to refraining from the threat or use of force, both being essential though not exclusive factors for the maintenance and consolidation of peace and security...

- Co-operation in the Field of Economics, of Science and Technology and of the Environment: Convinced that their efforts to develop cooperation in the fields of trade, industry, science and technology, the environment and other areas of economic activity contribute to the reinforcement of peace and security in Europe and in the world as a whole, Convinced that their efforts to develop cooperation in the fields of trade, industry, science and technology, the environment and other areas of economic activity contribute to the reinforcement of peace and security in Europe and in the world as a whole,
- Environment: Affirming that the protection and improvement of the environment, as well as the protection of nature and the rational utilization of its resources in the interests of present and future generations, is one of the tasks of major importance to the well-being of peoples and the economic development of all countries and that many environmental problems, particularly in Europe, can be solved effectively only through close international co-operation, Acknowledging that each of the participating States, in accordance with the principles of international law, ought to ensure, in a spirit of co-operation, that activities carried out on its territory do not cause degradation of the environment in another State or in areas lying beyond the limits of national jurisdiction, Considering that the success of any environmental policy presupposes that all population groups and social forces, aware of their responsibilities, help to protect and improve the environment, which necessitates continued and thorough educative action, particularly with regard to youth. Affirming that experience has shown that economic development and technological progress must be compatible with the protection of the environment and the preservation of historical and cultural values; that damage to the environment is best avoided by preventive measures; and that the ecological balance must be preserved in the exploitation and management of natural resources, to take the necessary measures to bring environmental policies closer together and, where appropriate and possible, to harmonize them; to encourage, where possible and appropriate, national and international efforts by their interested organizations, enterprises and firms in the development, production and improvement of equipment designed for monitoring, protecting and enhancing the environment.

Fields of co-operation:

- Control of air pollution
- Water pollution control and fresh water utilization
- Protection of the marine environment
- Land utilization and soils
- Nature conservation and nature reserves
- Improvement of environmental conditions in areas of human settlement
- Fundamental research, monitoring, forecasting and assessment of environmental changes
- Legal and administrative measures

Forms and methods of co-operation

- The participating States will further develop such co-operation by: - promoting the progressive development, codification and implementation of international law as one means of preserving and enhancing the human environment, including principles and practices, as accepted by them, relating to pollution and other environmental damage caused by activities within the jurisdiction or control of their States affecting other countries and regions; - supporting and promoting the implementation of relevant international Conventions to which they are parties, in particular those designed to prevent and combat marine and fresh water pollution, recommending States to ratify Conventions which have already been signed, as well as considering possibilities of accepting other appropriate Conventions to which they are not parties at present; - making wider use, in all types of co-operation, of information already available from national and international sources, including internationally agreed criteria, and utilizing the possibilities and capabilities of various competent international organizations. The participating States agree on the following recommendations on specific measures: to develop through international co-operation an extensive program for the monitoring and evaluation of the long-range transport of air pollutants, starting with sulfur dioxide and with possible extension to other pollutants...
- Question relating to Security and Co-operation in the Mediterranean: to intensify their efforts and their co-operation on a bilateral and multilateral basis with the non-participating Mediterranean States directed towards the improvement of the environment of the Mediterranean...to this end...cooperate through international organizations and in particular within the United Nations Environment Program (UNEP)

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| <i>World Food Program</i> | http://www.wfp.org/ |
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- The policies governing the use of World Food Program food aid must be oriented towards the objective of eradicating hunger and poverty. The ultimate objective of food aid should be the elimination of the need for food aid.
- ...WFP will continue to: use food aid to support economic and social development, meet refugee and other emergency food needs, and the associated logistic support; and promote world food security in accordance with the recommendations of the United Nations and FAO.
- The core policies and strategies that govern WFP activities are to provide food aid: to save lives in refugee and other emergency situations; to improve the nutrition and quality of life of the most vulnerable people at critical times in their lives; and to help build assets and promote the self-reliance of poor people and communities, particularly through labor-intensive works programs.
- WFP will give priority to supporting disaster prevention, preparedness and mitigation and post-disaster rehabilitation activities as part of development programs.

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| <i>World Meteorological Organization (WMO)</i> | http://www.wmo.ch United Nations Handbook 1997 |
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- contributes to the safety of life and property, the socio-economic development of nations and the protection of the environment.
- provides...voice on...Earth's atmosphere and climate
- further the application of meteorology to aviation, shipping, water problems, agricultural and other human activities
- primary purpose is to make available meteorological and related geophysical and environmental information enabling countries to maintain efficient meteorological services.
- Under the World Weather Watch are satellite and emergency procedures and response mechanisms for the provision and exchange of observational data and specialized products in case of nuclear accidents, as well as the Instruments and Methods of Observation Program and the Tropical Cyclone Program (TCP).

- Some of the objective of the World Climate Program are: to use existing climate information to improve economic and social planning;...to determine the predictability of climate and the extent of man's influence on it (climate); and to detect and warn governments of impending climate variations or changes,...which may significantly affect critical human activities.
- Facilitates cooperation within water basin...

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| <i>World Trade Organization (WTO)</i> | http://www.wto.org |
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- Preamble: reference to the objectives of sustainable development – to protect and preserve the environment.
- Agreements on Technical Barrier to Trade and on Sanitary and Phytosanitary Measures: clearly states ‘the use by governments of measures to protect human, animal and plant life and health, and the environment’.
- Agreement on Agriculture: ‘exempts direct payments under environmental programs...to reduce domestic support for agriculture production’..
- Agreement on Subsidies and Countervailing Measures: allows government to subsidize industry up to 20% of cost of ‘adapting existing facilities to new environmental legislation.
- Role: ‘trade liberation is an essential, even if not sufficient, element of policies to achieve better environment protection and sustainable development.
- Article XX of GATT: allow a WTO member legitimately, to place its public health and safety and national environmental goals ahead of its general obligation not to raise trade restrictions or to apply discriminatory trade measures.

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| <i>International Finance Corporation</i> | www.ifc.org http://www.ifc.org/enviro/OP_401/op_401.html |
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- IFC requires environmental assessment (EA) of projects proposed for IFC financing to help ensure that they are environmentally sound and sustainable, and thus to improve decision making.
- EA evaluates a project’s potential environmental risks and impacts in its area of influence; examines project alternatives; identifies ways of improving project selection, siting, planning, design, and implementation by preventing, minimizing, mitigating, or compensating for adverse environmental impacts and enhancing positive impacts; and includes the process of mitigating and managing adverse environmental impacts throughout project implementation.
- EA takes into account the natural environment; human health and safety; social aspects; and transboundary and global environmental aspects. ... IFC does not finance project activities that would contravene such country obligations, as identified during the EA. EA is initiated as early as possible in project processing and is integrated closely with the economic, financial, institutional, social, and technical analysis of a proposed project.
- IFC advise the project sponsor on IFC’s EA requirements. IFC reviews the finding and recommendations of the EA to determine whether they provide an adequate basis for processing the project for IFC financing. When the project sponsor has completed or partially completed EA work prior to IFC’s involvement in a project, IFC review the EA to ensure its consistency with this policy.
- ...range of instruments can be used to satisfy IFC’s EA requirement: environmental impact assessment (EIA), environmental audit, hazard or risk assessment, and environmental action plan (EAP).
- For financial intermediary (FI) operation targeting specific subprojects, IFC requires that each FI screen proposed subproject, the FI verifies that the subproject meets the environmental requirements of appropriate national and local authorities and is consistent with this OP. ... In addition, IFC requires that investments under the relevant operation comply with host country environmental, health and safety requirements; no further environmental requirements would normally be applied to these operations.

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| <i>Association of South East Nations (ASEAN)</i> | http://www.ciesin.org/docs/008-586/008-586.html |
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Jakarta Resolution on Sustainable Development

- I. That ASEAN member countries adopt the principle of sustainable development to guide and to serve as an integrating factor in their common efforts.
- II. That ASEAN cooperative efforts be focused upon those common resources and issues that affect the common well-being of the peoples of ASEAN, including, but not be limited to: 1) The common seas; 2) Land-resources and land-based pollution; 3) Tropical rain forests; 4) Air quality; and 5) Urban and rural pollution.
- IV. ... the ASEAN Environment Ministers are aware that the pursuit of sustainable development would be best served by the establishment of a regional body on the environment... b) facilitating the incorporation of environmental considerations into the programs and activities of ASEAN committees; c) monitoring the quality of the environment and natural resources to enable the periodic compilation of ASEAN state of the environment reports; and d) enhancing the cooperation on environment matters.

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| <i>European Environment Agency (EEA)</i> | http://www.eea.eu.int/frabout.htm |
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- Council Regulation (EEC) No. 1210/90 of 7 May 1990
- Whereas the Treaty provides for the development and implementation of a Community policy on the environment, and lays down the objectives and principles which should govern such policy;
- Whereas collection, processing and analysis of environmental data at European level are necessary in order to provide objective, reliable and comparable information which will enable the Community and the Member State to take the requisite measures to protect the environment, to assess the results of such measures and to ensure that the public policy informed about the state of the environment;
- Article 2: ii) to provide the Community and the Member States with the objective information necessary for framing and implementing sound and effective environmental policies; to that end, in particular to provide the Commission with the information that it needs to be able to carry out successfully its tasks of identifying, preparing and evaluating measures and legislation in the field of environment. v) to promote the incorporation of European environmental information into international environmental monitoring programs... vii) to stimulate the development and application of environmental forecasting techniques so that adequate preventive measures can be taken in good time; viii) to stimulate the development of methods of assessing the cost of damage to the environment and the costs of environmental preventive, protection and restoration policies;
- Article 3: 1) The principle areas of activity of the Agency shall...include all elements enabling it to gather the information making it possible to describe the present and foreseeable state of the environment from the following points of view: the quality of the environment; the pressure on the environment; the sensitivity
- Article 4: 3) Member states may...establish in their territory a “national focal point” for co-ordinating and/or transmitting the information to be supplied at national level to the Agency and to the institutions or bodies...

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| <i>Food and Agriculture Organization of the United Nations (FAO)</i> | www.fao.org/UNFAO/devel-e.htm www.fao.org/UNFAO/govern-e.htm www.fao.org/Leggal/BASICTXT/h1f.htm |
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- ...encourages and integrated approach, with environmental, social and economic considerations included in the formulation of development projects.

- ...works with governments to promote agricultural and rural development and to foster international cooperation on issues such as food standards, fair trade, environmental management and the conservation of genetic resources.

Constitution

- Preamble: The Nations accepting this Constitution, being determined to promote the common welfare by furthering separate and collective action on their part for the purpose of: raising levels of nutrition and standards of living of the peoples...; securing improvements in...the production and distribution of all food and agricultural products; bettering the condition of rural poluations; and thus contributing towards an expanding world economy and ensuring humanty's freedom from hunger...
- Article I: 2) The Organization shall promote and...shall recommend national and international aspect with respect to: c) the conservation of natural resources and the adoption of improved methods of agricultural production;

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| <i>International Atomic Energy Agency (IAEA)</i> | www.iaea.org |
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- Article III: 6) To establish or adopt, in consultation and, where appropriate, in collaboration with the competent organs of the United Nations and with the specialized agencies concerned, standards of safety for protection of health and minimization of danger to life and property (including such standards for labor conditions), and to provide for the application of these standards to its own operation as well as to the operations making use of materials, services, equipment, facilities, and information available by the Agency or at its request or under its control or supervision; and to provide for the application of these standards, at the request of parties, to operations under any bilateral or multilateral arrangements, or, at the request of a State, to any of that State's activities in the field of atomic energy; 5), D Subject to the provisions of this Statute and to the terms of agreements concluded between a State or a group of States and the Agency which shall be in accordance with the provisions of the Statute, the activities of the Agency shall be carried out with due observance of the sovereign rights of States.
- Article IX: H The Agency shall be responsible for storing and protecting materials in its possession, The Agency shall ensure that these materials shall be safeguarded against 1) hazards of weather, 2) unauthorized removal or diversion, 3) damage or destruction, including sabotage, and 4) forcible seizure. In storing special fissionable materials in its possession, the Agency shall ensure the geographical distribution of these materials...
- Article IX: I The Agency shall as soon as practicable establish or acquire such of the following as may be necessary: 1) plant, equipment, and facilities for the receipt, storage, and issue of materials; 2) physical safeguards; 3) dequate health and safety measures; 4) control laboratories for the analysis and verification of materials received; 5) housing and administrative facilities for any staff required for the foregoing
- Article XII: A, ...the Agency shall have the following rights and responsibilities... 1) to examine the design of specialized equipment and facilities, including nuclear reactors, and to approve it only...not further any military purpose, that it complies with applicable health and safety standards, and that it will permit effective application of the safeguards...; 2) to require the observance of any health and safety measures prescribed by the Agency; 3) to require the maintenance and production of operating records to assist in ensuring accountability for source and special fissionable materials used or produced in the project or arrangement; 4) to call for and receive progress reports; 5) to approve the means to be used for the chemical processing of irradiated materials solely to ensure that this chemical processing will not lend itself to diversion of materials for military purpose and will comply with applicable health and safety standards;...6) to send into the territory of the recipient State or States inspectors, designated by the Agency after consultation with the State or States concerned, who shall have access at all times to all places and data and to any person...7) In the event of non-compliance and failure by the recipient State or States to take requested corrective

steps within a reasonable time, to suspend or terminate assistance and withdraw any materials and equipment made available by the Agency or a member in furtherance of the project.

- Article XVII: A, Any question or dispute concerning the interpretation or application of this Statute which is not settled by negotiation shall be referred to the International Court of Justice in conformity with the Statute of the Court, unless the parties concerned agree on another mode of settlement. B, The General Conference and the Board of Governors are separately empowered, subject to authorization from the General Assembly of the United Nations, to request the International Court of Justice to give an advisory opinion on any legal question arising within the scope of the Agency's activities.

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| <i>International Labor Organization (ILO)</i> | http://ilo.org |
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C148 Working Environment (Air pollution, Noise and Vibration) Convention 1977

National laws or regulations shall prescribe that measures be taken for the...control of...occupational hazards in the working environment due to air pollution noise and vibration

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| <i>North Atlantic Treaty Organization (NATO)</i> | www.nato.int/docu/basic/txt/treaty.htm#Art02 |
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- Article 1: The Parties undertake, as set forth in the Charter of the United Nations, to settle any international dispute in which they may be involved by peaceful means in such a manner that international peace and security and justice are not endangered, and to refrain in their international relations from the threat or use of force in any manner inconsistent with the purpose of the United Nations.
- Article 2: The Parties will contribute toward the further development of peaceful and friendly international relations by strengthening their free institutions, by bringing about a better understanding of the principles upon which these institutions are founded, and by promoting conditions of stability and well-being....
- Article 4: The Parties will consult together wherever...the territorial integrity, political independence or security of any of the Parties is threatened.
- Article 5: the Parties agree that an armed attack against one or more of them in Europe or North America shall be considered an attack against them all and consequently they agree that, if such an armed attack occurs,...in exercise of the right of individual and collective self-defense recognized by Article 51 of the Charter of the United Nations, will assist the Part or Parties so attacked by taking forthwith, individually and in concert with the other Parties, such action as it deems necessary, including the use of armed force, to restore and maintain the security of the North Atlantic area. Any such attack and all measures taken as a result thereof shall immediately be reported to the Security Council. Such measures shall be terminated when the Security Council has taken the measures necessary to restore and maintain international peace and security.
- Article 7: This treaty does not affect, and shall not be interpreted as affecting, in any way the rights and obligation under the Charter of the Parties which are members of the United Nations, or the primary responsibility of the Security Council for the maintenance of international peace and security.
- Article 8: Each party declares that none of the international engagement now in force between it and any other of the Parties or any third State is in conflict with the provisions of this Treaty, and undertakes not to enter into any international engagement in conflict with this Treaty.

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| <i>Organization of Economic Cooperation and Development (OECD)</i> | http://www.oecd.org/about/origins/convention/index.htm http://www.oecd.org/env/ |
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- Article 1: The aims.. shall be to promote policies designed: a) to achieve the highest sustainable economic growth and employment and a rising standard of living in Member countries, while maintaining financial ability, and thus to contribute to the development of the world economy; b) to contribute to sound economic expansion in Member as well as non-member countries in the process of economic development; and c) to contribute to the expansion of world trade on a multilateral, non-discriminatory basis in accordance with international obligations.
- Article 2: In the pursuit of these aims, the Members agree that they will, both individually and jointly: a) promote the efficient use of their economic resources; b) in the scientific and technological field, promote the development of their resources, encourage research and promote vocational training; c) pursue policies designed to achieve economic growth and internal and external financial stability and to avoid developments which might endanger their economies or those of other countries; d) pursue their efforts to reduce or abolish obstacles to the exchange of goods and services and current payments and maintain and extend the liberalization of capital movements; and e) contribute to the economic development of both Member and non-member countries in the process of economic development by appropriate means and, in particular, by the flow of capital to those countries, having regard to the importance to their economies of receiving technical assistance and of securing expanding export markets.
- Article 5:a) take decisions which, except as otherwise provided, shall be binding on all the Members; b) make recommendations to Members; and c) enter into agreements with Members, non-member States and international organizations.
- Article 6: 1)Unless the Organization otherwise agrees unanimously for special cases, decisions shall be taken and recommendations shall be made by mutual agreement of all the Members. 2) Each Member shall have one vote. If a Member abstains from voting on a decision or recommendation, such abstention shall not invalidate the decision or recommendation, which shall be applicable to the other Members but not to the abstaining Member. 3) No decision shall be binding on any Member until it has complied with the requirements of its own constitutional procedures. The other Members may agree that such a decision shall apply provisionally to them.

Other organizations which do not indicate environmental security issues in their mandates but can be related to environmental security:

WORLD HEALTH ORGANIZATION (WHO)

- International Marine Organization (WMO)
- United Nations Industrial Development Organization (UNIDO)
- International Court of Justice
- Pan-American Health Organization (PAHO)
- UNCTAD
- IMF